THE BLIND EYE

U.S. NON-PROLIFERATION POLICY TOWARDS PAKISTAN FROM FORD TO CLINTON

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to my parents for raising me to believe in myself…

LIST OF ACRONYMS

ACDA	Arms Control and Disarmament Agency
AEB	Atomic Energy Board
AEC	Atomic Energy Commission
CAP	Combat Air Patrol
CD	Conference on Disarmament
CENTO	Central Treaty Organization
CGE	Canadian General Electric Company
CIA	Central Intelligence Agency
CIRUS	Canada-India-Reactor Utility Services
COAS	Chief of the Army Staff
CPC	Chemical Plant Complex
CTBT	Comprehensive Test Ban Treaty
ERDA	Energy Research and Development Administration
FAA	Foreign Assistance Act
FMS	Foreign Military Sales
FRG	Federal Republic of Germany
GOP	Government of Pakistan
GSOMIA	General Security of Military Information Agreement
HEU	Highly Enriched Uranium
IAEA	International Atomic Energy Agency
IMET	International Military Education and Training
INFCEP	International Nuclear Fuel Cycle Re-Evaluation Program
JCAE	Joint Committee on Atomic Energy
KANUPP	Karachi Nuclear Power Plant
MAP	Military Assistance Program
NAM	Non Aligned Movement
NATO	North Atlantic Treaty Organization
NNPA	Nuclear Non-Proliferation Act
NPT	Nuclear Non-Proliferation Treaty
NRC	Nuclear Regulatory Commission
NSA	National Security Adviser
NSC	National Security Council
NSDM	National Security Decision Memorandum
NSG	Nuclear Suppliers Group
NWS	Nuclear Weapons State
OIC	Organization of Islamic Cooperation
PAEC	Pakistan Atomic Energy Commission
PAF	Pakistan Air Force
PINSTECH	Pakistan Institute of Nuclear Science and Technology
PNA	Pakistan National Alliance
PNE	Peaceful Nuclear Explosion

PPP	Pakistan Peoples Party
SAM	Surface-to-Air Missile
SFRC	Senate Foreign Relations Committee
TOW	Tube-launched, Optically tracked, Wire-guided
UN	United Nations
UNGA	United Nations General Assembly
USG	United States Government
USSR	Union of Soviet Socialist Republics

CONTENTS

Acknowledgements

Introduction

Chapter 1 Ford Administration's Non-proliferation Policy Towards Pakistan **25**

Ford's Presidency and the Regional Security Environment in South Asia **30**

Contours of Ford's Non-proliferation Policy towards Pakistan **32**

The Franco-Pak Reprocessing Agreement **47**

U.S. Demarches to France and Germany On the Nuclear Deals with Pakistan **56**

The Origin and Rationale For The Symington Amendment 1976 **61**

The Symington Amendment and Pakistan's Reaction **71**

Chapter 2 Carter Administration's Non-Proliferation Policy Towards Pakistan **96**

Carter's Non-Proliferation Policy **100**

The FRG-Brazilian Nuclear Deal **107**

The Japanese Reprocessing Plant Issue **109**

Carter and Pakistan: The Transition in 1977 **112**

Prelude to the Coup and Bhutto's Anti-U.S. Card **116**

Zia and the French Reprocessing Deal **121**

The Glenn Amendment **122**

U.S. Aid Suspension and The Symington Amendment **130**

Pakistan's PNE Gossip and The Nuclear Ambiguity **135**

The Soviet Invasion of Afghanistan and Pakistan's Bargaining Chip 140
The NNPA and The Tarapur Controversy 148
Chapter 3 Reagan Administrations' Non-proliferation Policy Towards Pakistan 165
Pakistan-U.S. Bilateral Security Relationship and The Symington Waiver 167
Pakistan's Negotiations to Get U.S. F-16 Fighter Jets in 1981-82 175
Pakistan's Nuclear Progress and U.S. Non-proliferation Laws 191
The Pressler Amendment: Saving Pakistan-U.S. Security Relationship 198
Pakistan's Illegal Procurement and The Solarz Amendment 205
Pakistan's Nuclear Progress and Reagan's Pressler Certifications 213
Chapter 4 Bush Administration's Non-proliferation Policy Towards Pakistan 235
Bush's Pressler Certification in 1989 and More F-16s for Pakistan 238
The 1990 Indo-Pak Crisis And The Build Up To The Pressler Sanctions 244
The Pressler Sanctions on Pakistan 249
The Aftermath of The Pressler Sanctions 257
Bush Administration's Interpretation of the Pressler Amendment 260
Chapter 5 Clinton Administration's Non-proliferation Policy Towards Pakistan 270
Pakistan's Embargoed Defense Equipment, F-16s and The Brown Amendment 275
Pak-China Missile/Nuclear Technology Transfer And Bhutto's North-Korean Connection 289
The Sharif Government and The Harkin-Warner Amendment 1997 300
Pakistan's Nuclear Tests in 1998 and The Glenn-Symington Sanctions 304
Kargil 1999 and The Military Coup 313
Additional Relief from Sanctions: Brownback II Amendment 317
Chapter 6 Conclusion: The U.S. Non-proliferation Policy from Ford to Clinton 1974-2001 326
Appendix 338
Index 341

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INTRODUCTION

Best known for being a 'rollercoaster', various scholars have tried to reflect upon the true nature of Pak-U.S. relationship under this banner. It has been variously characterized, amongst others, as 'the marriage of convenience' between two 'Disenchanted Allies'[1], the ill-matched partnership and Pakistan's 'Magnificent Delusions'[2] with the transactional nature of the relationship making Pakistan 'America's sullen mistress'.[3] Scholars contend that despite the dangers of 'Riding the Roller Coaster'[4] and despite inherent incompatibilities between the two partners, the strategic dynamics in the region might keep America engaged enough in coming decades, making it truly 'No Exit from Pakistan'[5]. No matter how one examines this relationship, one thing is certain – the experience for both countries has been distressing.

After India settled for non-alignment early in the Cold War, Pakistan seized the opportunity and aligned itself with the United States in the East-West struggle to fight communism in Asia. But that was not the only motive. Pakistan secretly hoped that an alliance with the U.S. would provide it security against India with whom Pakistan had an antagonistic relationship over their outstanding territorial dispute of Kashmir since their partition in 1947. When the U.S. did not rescue Pakistan as it had hoped for during its war with India in 1965 and sanctioned both countries

with an arms embargo and several years later with no tangible support in 1971, the newly dismembered Pakistan felt betrayed. From that period onwards, Pakistan's list of grievances against the U.S. developed into a narrative of betrayal and abandonment fed by several episodes in their relationship during and after the Cold War. From 1974 to 2001, the period examined in this book, is also the period in which Pakistan developed and tested its nuclear weapons and was sanctioned for it.

The Blind Eye provides the first scholarly account of the U.S. non-proliferation policy towards Pakistan under five administrations from Ford to Clinton. Using multi-archival documents from the five U.S. presidential archives – Ford, Carter, Reagan, Bush and Clinton – materials from the archives of U.S. Senators who sponsored non-proliferation legislation – Stuart Symington, John Glenn and Stephen Solarz – this book offers a unique perspective on how the U.S. enabled the creation of nuclear Pakistan by turning a blind eye to its nuclear developments at the height of their alliance relationship during the 80s.

Although a geographically small state, Pakistan was able to brilliantly maneuver its way through restricted spaces in its relationship with the U.S. in the first five decades since its independence to not only acquire a decent conventional capability through U.S. military assistance but also nuclear weapons due to the fickleness of U.S. non-proliferation policy. The compromises made by the U.S. to accommodate Pakistan and its inconsistency in enforcement of non-proliferation laws has implications for the efficacy and success of U.S. non-proliferation policy with prospective proliferants. However, the story of U.S. turning the

blind eye thus enabling Pakistan to get away with the bomb does not find space in Pakistan's narrative. This book is an attempt to look at Pakistan-U.S. relations in the light of the untold story of U.S. non-proliferation policy towards Pakistan. Pakistani scholarship on the subject and popular narrative on Pakistan-U.S. relations, does not acknowledge U.S. accommodation of Pakistani national interests at the cost of former's non-proliferation policy. It is time that debt is paid.

A Snapshot of Pakistan-U.S. Relations

A handwritten text was given to the Chinese Ambassador in Pakistan, Zhang Tongon by the President of Pakistan, General Yahya Khan on May 19, 1971 to be delivered to the Chinese premier, Zhou Enlai. It read,

> I understand that Dr. Kissinger would fly to Vietnam; on his way back he would make stops at Bangkok, Delhi, and Islamabad. This is to act as a cover plan. From Islamabad he would like me to make him disappear to a holiday resort in North Pakistan. In actual fact he will be carried by P.I.A. to be delivered anywhere on Chinese soil, which you may like to suggest.[6]

Kissinger's 'double' did appear in Nathiagali, Murree Hills, adjoining Islamabad, the capital of Pakistan, on the historic day Kissinger entered China aboard Pakistan International Airlines Boeing 707 on July 9, 1971. That was in all likelihood the highest point in Pakistan-U.S. relationship where Pakistan was bestowed with the trust to secretly open channels of communication between the United States and China. The high, unfortunately, in Pak-U.S. relationship did not last long. Just six months later during the thirteen-day Indo-Pak war in December 1971, which

resulted in Pakistan's dismemberment and creation of Bangladesh, Pakistan expected a show of support from the United States akin to the August 1971 Indo-Soviet treaty of mutual assistance. Too little came too late. U.S. assistance in arranging arms supplies to Pakistan and the presence of the USS Enterprise in the Bay of Bengal did not do much to deter the Indians or influence the outcome of the war.[7]

Zulfiqar Ali Bhutto, Pakistan's deputy prime minister and foreign minister in 1971 praised the United States for its support in the conflict during his speech before the UN Security Council on December 15, 1971 but he was bitter at the imminent loss of East Pakistan and lack of material support from its allies.[8] When Yahya resigned on December 20, 1971, he transferred power to Bhutto making him the first civilian president and the first civilian martial law administrator of Pakistan. Bhutto's bitterness towards the U.S. however, was not new. It had been simmering for several years and can be traced back to the first time the United States imposed arms embargo on Pakistan and India after their war in 1965 during Field Marshal Ayub Khan's government when Bhutto was Pakistan's foreign minister. After becoming Pakistan's first civilian President (1971-1973) and later as the Prime Minister of Pakistan (1973-1977), Bhutto effectively used the 1965 sanctions and the dismemberment of Pakistan as a pretext to gain popularity from a dispirited nation through his non-alignment policy – a theme he sold well to a demoralized, broken nation until his removal by General Zia ul Haq in 1977.

General Zia's eleven-year martial rule in Pakistan coincided with the invasion and defeat of the Soviet Union in Afghanistan with

American money and arms supplies. It was also a robust period for Pakistan's nuclear weapons development. After the retreat of the Soviet Union from Afghanistan, America's subsequent disengagement from Pakistan was not only abrupt but also unexpected for Pakistan since it had been hoping for continued U.S. engagement until the transitional set up in Afghanistan was completed. It also brought with it nuclear sanctions under which U.S. economic and military assistance to Pakistan – which had been free flowing for the past decade – came to a halt.

The Nuclear Dimension of Pak-U.S. Relations

Efforts to explore Pakistan's nuclear weapons options had been underway since 1972, a year after Zulfiqar Ali Bhutto became the President of Pakistan, but U.S. concerns about Pakistan developing a nuclear weapons capability did not surface until after the Indian test in 1974.[9] The terms and conditions of the U.S. and Canadian technological assistance to India prohibited development of weapons-grade plutonium. India had violated its civilian-nuclear agreement with Canada and the United States and its nuclear test was conducted using plutonium produced in the Canadian supplied research reactor, CIRUS, using heavy water imported from the U.S.[10] Although the Indian nuclear test led to the establishment of the London Suppliers Group, present day Nuclear Suppliers Group (NSG) in 1974, it was Pakistan that was hit hard by the non-proliferation policies of U.S. and Canada that ensued post 1974.

Undeterred by the Indian nuclear test, Bhutto addressed a press conference a day after the test and stated,

> The nuclear blast carried out by India yesterday is a development which will call forth a mature and vital response from Pakistan. The response cannot be vital if we become either complacent or nervous. To shrug it off is as dangerous as to get scared… Were we to become fearful or alarmed over India's nuclear demonstration, it would indicate that we have already succumbed to the threat…Let me make it clear that we are determined not to be intimidated by this threat. I give a solemn pledge to my countrymen that we will never let Pakistan be a victim of nuclear blackmail.[11]

Bhutto kept his pledge. U.S. attempts to delay Pakistan's efforts to acquire nuclear weapons technology started in the mid-1970s. The first blow to Pakistan's nuclear efforts came during the Carter administration when its cooperation with France led the latter to cancel its 1976 agreement for the sale of plutonium reprocessing plant to Pakistan.[12] Although cancellation of the French reprocessing plant delayed Pakistan's plutonium route to the bomb, secret efforts to acquire the bomb through uranium enrichment program persisted. It was not until 1979 that U.S. intelligence confirmed the presence of Pakistan's uranium enrichment program. The Carter administration terminated all military and economic assistance to Pakistan, invoking the Symington Amendment, a non-proliferation law passed by Congress on 30 June 1976 which called for suspension of U.S. aid to countries pursuing uranium enrichment programs.[13] Pakistan got its lucky break with the Soviet invasion of Afghanistan in 1979 which had not only imperiled U.S.' early attempts at non-proliferation towards Pakistan but also endangered Pakistan's territorial integrity given its geographical proximity to Afghanistan and the Soviet Union. It forced the two countries to resume their alliance commitments

against a common enemy, the Soviet Union. Pakistan was relieved of the Symington sanctions in 1980 and was provided military and economic assistance in return for its commitment to equip and train Afghan freedom fighters to fight against the Soviet occupation in Afghanistan from 1980 to 1989.

At its end, Pakistan continued to deny publically – as was in its national interest – that it had neither the desire nor the means to develop a nuclear weapons capability. Based on U.S. intelligence reports on the presence of a nuclear weapons program in Pakistan, the Senate Foreign Relations Committee in August 1985 adopted an amendment sponsored by Senator Larry Pressler (R-SD) whereby the President had to certify every year that Pakistan did not possess a nuclear device and that the aid offered was furthering U.S. non-proliferation goals. Despite the evidence on Pakistan's nuclear program, President Ronald Reagan provided two certifications in 1986 and 1987 as per the Pressler Amendment to continue military and economic aid to Pakistan.[14] However, the last Presidential certification came in 1989 (the Soviets had retreated from Afghanistan in February of the same year) with an explicit warning for Pakistan that it would face penalties if the nuclear program was not shut down. In 1990, President George H. W. Bush withheld his certification under the Pressler Amendment and imposed sanctions on Pakistan – freezing $564m in economic and military assistance – once it was confirmed that no steps had been taken by Pakistan to stop its nuclear weapons development.

The termination of aid by the Bush administration under the Pressler sanctions soured Pakistan-U.S. relationship. The collapse of the Soviet Union and the abrupt U.S. military and economic

disengagement with Pakistan in 1990 was understood by Pakistan as a signal that the alliance was over. After Pressler sanctions, Pakistan was denied possession of 28 F-16s for which it had paid Lockheed Corp $658 million. In addition, Pakistan was charged $50,000 per month in renting charges until the planes were delivered. This simultaneity of events in 1990 encouraged an anti-American narrative in Pakistan that damaged U.S. credibility as a reliable partner and strengthened Pakistan's resolve to retain its nuclear option. During the Clinton administration, efforts were made to repair the damage done by the Pressler sanctions but without much success. In order to avoid a lawsuit, Clinton administration returned Pakistan $470 million in cash and an additional $60 million worth of wheat. The F-16s fiasco is often cited by Pakistan as a reason for considering U.S. an unreliable ally.[15]

Pakistan remained a threshold nuclear state during the 1990s and overtly nuclearized by testing its nuclear weapons on May 28 and 30, 1998 in response to the Indian nuclear tests of May 11 and 13, 1998.[16] Both Pakistan and India were sanctioned by the United States for nuclear testing under the Nuclear Proliferation Prevention Act – a law that revised the Glenn amendment in 1994 – which threatened severe sanctions against any country trying to assist, develop or test nuclear weapons.[17] President George W. Bush lifted these sanctions on Pakistan in 2001 when the U.S. commenced military operations in Afghanistan under the umbrella of its war on terrorism. The two countries resumed their alliance commitments once again and U.S. national security interests trumped its non-proliferation goals one more time. As clichéd as it may seem, history repeated itself.

Pakistan's Grievances on U.S. Non-proliferation Policy

Pakistani policy and opinion-makers alike believe that Pakistan has been unduly presented as the scapegoat for nuclear proliferation whereas it was India that introduced nuclear weapons in the region in 1974. Pakistan's narrative that has developed over the course of its relationship with the United States since the 1950s comprises three broad inconsistencies of U.S. non-proliferation policies as seen by the Pakistanis. First, the U.S. has repeatedly practiced double standards on non-proliferation in South Asia by punishing Pakistan and India differently for the same offense. For example, India proliferated (without any consequences) by violating its civilian nuclear accord in order to test in 1974 and perhaps was the only country that proliferated in that manner. Pakistan's quest for nuclear weapons there onwards was merely an attempt to establish strategic parity with India.

Second, Pakistan's attempts to acquire civilian nuclear technology to meet its energy needs have been thwarted since the 1970s whereas India was rewarded for its proliferation behavior by several U.S. administrations. For example, the Indo-U.S. nuclear deal that was initiated in 2005 and the present U.S. support for Indian membership in the Nuclear Suppliers Group. It is as if the international community, particularly the U.S. conveniently forgot that the raison d'être of the original London Group was the Indian nuclear test in 1974. Compared to Pakistan, India's nuclear export control regime and the safety and security of its nuclear installations has poor record based on several reported cases of nuclear thefts and security breaches. Third, once a major Cold War objective was achieved in the 1990s – lest we forget, the Soviet defeat in Afghanistan was made possible due to Pakistan's efforts

– the United States brazenly sanctioned Pakistan for its nuclear proliferation activities and in the process forsook the alliance.[18]

Pakistan's permanent representative at the UN, Maleeha Lodhi in her 2009 essay ascribes the 'mutually negative misperceptions' between the two countries to the burden of history. She identifies three strands of this historically troubled relationship, "first, relations have lurched between engagement and estrangement in almost predictable cycles. Second, these swings have occurred under both U.S. Republican and Democratic institutions, and on the Pakistani side, under democratic and military governments alike. Third, the episodic nature of ties has reflected Washington's changing strategic priorities and shifts in global geopolitics, which in turn have reinforced the popular perception in Pakistan that the country is seen from a tactical perspective, and not in terms of its intrinsic importance…Washington has pursued relations with Islamabad on a transactional and not a consistent or predictable basis."[19]

In his seminal work *Eating Grass* Feroz Hassan Khan, a Pakistani scholar, examined the nuclearization of Pakistan's narrative. Khan writes about three strategic beliefs that have dominated Pakistan's strategic thought since 1971, "first, nuclear weapons are the only guarantee of Pakistan's national survival in the face of both an inveterately hostile India that cannot be deterred conventionally and unreliable external allies that fail to deliver in extremis. Second, Pakistan's nuclear program is unfairly singled out for international opposition because of its Muslim population. This feeling of victimization is accentuated by a belief that India consistently "gets away with" violating global nonproliferation norms. Third, is

the belief that India, Israel, or the United States might use military force to stop Pakistan's nuclear program." According to Khan, these three beliefs, "nuclear necessity for survival, international discrimination against Pakistan, and danger of disarming attacks" are at the heart of Pakistan's strategic thinking about nuclear weapons.[20]

The U.S. Narrative on Pakistan

U.S. historians and analysts maintain that the U.S.-Pakistan grievances are reciprocal in nature. The hurt and betrayal is not one sided, it is deep and mutual. Dennis Kux, retired diplomat and author of *Dischanted Allies* famously refers to Pakistan-U.S. relationship as a 'marriage of convenience.' Kux writes that "absent a greater and more continuous congruence of security goals, U.S.-Pakistan ties have lacked a solid underpinning of shared national interests. Major differences and consequent disputes were probably inevitable. The partnership was likely to prove a fragile structure. The tendency of Americans and Pakistanis to gloss over this basic problem has only served to sharpen the sense of frustration and disappointment about the actions of the other."[21] Former ambassadors, Teresita and Howard Schaffer, allude to the disconnect of Pakistan and U.S. telling different stories of their relationship despite shared history in their book *How Pakistan Negotiates With The United States*. For Americans, they write, "the narrative is one of willful disregard by Pakistanis for U.S. concerns about which they have been amply warned." Beginning in 1965, "Pakistan ignored U.S. strictures against using in combat against India the arms Washington had supplied to confront potential Communist aggression." The relationship came apart in 1990 "when Pakistan ignored U.S. warnings that developing a

nuclear explosive device would lead to an aid cutoff. Pakistanis interpret both these events as betrayals of explicit or implicit U.S. commitments." For Pakistan, as identified by the authors', dominant themes are "disappointment and unreliability." Based on their extensive diplomatic experience with Pakistani negotiators, the authors' write that the U.S. is looked at "as a country critical to Pakistan's security, but one that Pakistan cannot count on in times of trouble… throughout the ups and downs of U.S.-Pakistani relations – what one might call three marriages and two divorces – Pakistanis have felt that the United States used Pakistan when it was convenient, and abandoned it when Pakistan was no longer needed."[22]

In his book *No Exit From Pakistan* American scholar, Daniel S. Markey, captures the essence of Pak-U.S. relationship by writing that "many young Pakistanis are taught to recite a litany of other low points in the relationship. These include several instances of what they call American "abandonments," such as when the United States did not adequately rise to Pakistan's defense in its wars with India in 1965 or 1971, or in 1990 when Washington slapped sanctions on Pakistan for pursuing a nuclear weapons program." American historians however, according to Markey, write about these events differently, "they correctly observe that Pakistan's own choices – to go to war and to build a nuclear arsenal – led to predictable American responses, not betrayals. Thus, Pakistanis and Americans tell conflicting versions of their shared history. There is at least a nugget of truth to the Pakistani lament that America has used their country when it suited the superpower's agenda and then tossed it away when inconvenient." Markey writes that "for all the Pakistani complaints about how the United States

has never been a true friend, the fact is that Pakistan also used America. Pakistani leaders dipped into America's deep pockets to serve their purposes, sometimes parochial or corrupt, oftentimes driven by persistent geopolitical conflict with neighboring India. In short, the United States has been a more fickle partner, its approach to Pakistan shifting dramatically across the decades. Pakistan, however, has been guilty of greater misrepresentation, claiming support for American purposes while turning the U.S. partnership to other ends. As a consequence, both sides failed repeatedly to build a relationship to serve beyond the immediate needs of the day."[23]

These accounts exhibit the bitter truth about this relationship. The narrative of betrayal has two sides to it. Although the list of Pakistan-U.S. grievances against each other is long, the divorce, it seems, is not yet conclusive.

The Blind Eye Argument

This book provides the first formal account of Pakistan's narrative in the light of its criticism of U.S. non-proliferation policy and examines several questions. Was the U.S. non-proliferation policy towards Pakistan a case of selective enforcement of U.S. non-proliferation laws? What did Pakistan get out of the alliance during the periods of engagement when it was developing its nuclear weapons? How did Pakistan get away with the bomb at the height of its alliance with the U.S. in the 80s and then tested it in late 90s?

After examining U.S. non-proliferation policy under five administrations: Ford, Carter, Reagan, Bush and Clinton, this book concludes that though on some occasions Pakistan's grievances

about the deviations in U.S. foreign policy are justified, Pakistan's popular narrative needs a reset with respect to the *objectives* and *successes* of U.S. non-proliferation policies towards Pakistan under these five administrations.

Pakistan-U.S. alliance during the Cold War was a two-way street, a synergistic relationship, wherein both countries used the *leverage* they had towards each other to best serve their national interests. For the United States the leverage was Pakistan's dependence on massive U.S. economic and military assistance. For Pakistan, the leverage was U.S. dependence on Pakistan to defeat the Soviet Union in Afghanistan. The Blind Eye argues that both countries used each other to get what they wanted – Pakistan more adeptly than the United States. While the United States used its leverage to keep the Pakistanis interested in fighting the Afghan War to defeat the Soviets with an unlimited budget for the war, Pakistan also used its leverage to gain maximum economic and military benefits from the U.S. In fact, Pakistan achieved more than it had bargained for – it not only modernized its conventional military capability through U.S. military assistance but also developed a threshold nuclear weapons capability at the height of its engagement with the United States in the final decade of the Cold War. It was made possible due to *minimal* interference from the five administrations examined in this book. Even after the Cold War ended, Pakistan's nuclear weapons program continued unabated owing to the continuity in U.S. non-proliferation policy of ignoring Pakistan's nuclear weapons development to pursue objectives other than non-proliferation enabling it to overtly nuclearize in 1998.

The examination of U.S. non-proliferation policy under three

Republican administrations (Ford, Reagan and H.W. Bush) and two Democrat administrations (Carter and Clinton) reveals that the overall U.S. non-proliferation policy towards Pakistan was a bipartisan effort where the U.S. Congress not only instituted specific non-proliferation legislation to constrain Pakistan's nuclear activities but also unanimously passed resolutions to relieve Pakistan from those sanctions as and when the need arose to engage Pakistan to serve U.S. national interests.

This book argues that the U.S. failure to prevent Pakistan from achieving and testing its nuclear weapons capability was not a policy failure per se but an enforcement failure where all five administrations irrespective of domestic politics tried to establish an imperfect quid pro quo with Pakistan pushing the latter to choose between aid and the bomb. In doing so, each administration shifted non-proliferation goalposts and red lines for Pakistan and prioritized foreign policy over non-proliferation policy. The tools of foreign aid or sanctions, selectively and inconsistently applied in this case, could not influence proliferation behavior of a state with determined nuclear ambitions.

Significance of the Book

The Blind Eye is important for two reasons. First, Pakistan-U.S. relations continue to be marred by stereotypical narratives that have polluted the psyche of both nations. It is time that changed. The United States will continue its engagement in South Asia due to the strategic dynamics that have developed since 9/11 that refuse to go away even after seventeen years of U.S. engagement in Afghanistan. Pakistan and the United States need each other for continued counter-terrorism operations in the region. Mistrusting

each other's motives (reinforced by their respective narratives) is highly counter-productive. This book brings out new knowledge and at times places old knowledge in a single volume that might help the two develop common ground for a common cause.

Second, given its history of crises with India post-nuclearization both countries have been reliant on the U.S. for crisis management. Moeed Yusuf's latest stellar *Brokering Peace in Nuclear Environments* provides a brilliant expose of U.S. crisis management in South Asia. Until both countries develop bilateral crisis management mechanisms, America's role in ensuring strategic stability in South Asia will remain critical in coming years. Therefore, Pakistan needs to rise above the anti-Americanism that its historical and current narrative propagates and revisit this relationship through a realist framework. Give acknowledgement to the U.S. where it is due and claim the strengths of its own strategy through which Pakistan became a nuclear weapons state.

The Blind Eye is a modest attempt at achieving a reset of Pakistan-U.S. relations by carefully examining U.S. non-proliferation policy towards Pakistan from 1974 to 2001. We must acknowledge that the relationship delivered dividends for both countries in the period examined. There is still hope for a mutually beneficial relationship based on mutual trust, reciprocal respect for each other's intentions and shared sensitivity for each other's insecurities.

Methodology and the Structure of the Book

This book provides a historical account of the U.S. non-proliferation policy towards Pakistan from Ford to Clinton using declassified documents from each of the five presidential archives: Ford,

Carter, Reagan, Bush and Clinton. Critical to this examination are the nuclear non-proliferation legislation: the Symington-Glenn, Pressler and Solarz amendments invoked against Pakistan to restrain its proliferation behavior. Archival documents to construct the legislative history of these amendments have been collected from the archives of the following Congressmen: Stuart Symington (D-MO), the State Historical Society of Missouri, Kansas City; John Glenn (D-OH), The Ohio State University, OH and; Stephen Solarz (D-NY), Brandeis University, MA. Archival documents for Senator Larry Pressler (R-SD), the sponsor of the Pressler amendment, are not open to public but sufficient material on the amendment was available at the Glenn archives, OH, since Senator Glenn was the primary architect of what later came to be known as the Pressler amendment. Declassified governmental documents available through the Digital National Security Archive and the National Security Archive based at the George Washington University, Washington DC have also been used in this research. Where the archival documentation is sparse due to files still classified, secondary sources and interviews have been used to support the arguments.

Chapter 1 on *Ford Administration's Non-Proliferation Policy Towards Pakistan* discusses Pakistan's nascent attempts at nuclear weapons development and the beginning of U.S. non-proliferation policy towards Pakistan during the Ford administration. The Symington amendment, the issue of Pakistan's attempts to acquire plutonium reprocessing plant from France and the narrative-building surrounding U.S. attempts to thwart Pakistan's attempts to develop peaceful nuclear technology are discussed in this chapter.

Chapter 2 discusses *Carter Administration's Non-proliferation Policy Towards Pakistan*. General Zia ul Haq, Pakistan's Chief of the Army Staff, deposed Bhutto in a military coup in July 1977 and began another period of military rule in Pakistan that lasted for eleven years. During Zia's regime, Pakistan-U.S. relations saw several ups and downs with an 'unhappy' period with the Carter administration from 1977 to 1981 and a relatively 'happier' one with his successor, Ronald Reagan from 1981 to 1988. Discussion on the 1977 Glenn amendment, the Symington sanctions imposed on Pakistan by the Carter administration in 1979, cancellation of the French reprocessing agreement in 1978 and the Soviet invasion of Afghanistan resulting in the reversal of the Symington amendment are discussed in this chapter.

Chapter 3 discusses *Reagan Administrations' Non-proliferation Policy Towards Pakistan*. Pakistan's robust but clandestine nuclear development continued during the Reagan administration but the passage of the Pressler and Solarz amendments by Congress in 1985 apparently restricted Pakistani nuclear efforts, however, the amendments were not invoked during the two Reagan administrations'. Discussions on how Pakistan helped the U.S. win the Cold War and the non-proliferation tradeoffs made in return during Reagan administrations' are part of this chapter.

Chapter 4 on *H.W. Bush Administration's Non-proliferation Policy Towards Pakistan* discusses the period in the history of Pakistan-U.S. alliance at the end of the Cold War which is critical in understanding Pakistan's grievances towards the U.S. Pakistan claims that the most damaging nuclear sanctions under the Pressler amendment were invoked against it during

the Bush administration after Pakistan's services were no longer required. Discussion on the Pressler amendment and how Bush administration attempted to find ways to bypass the Pressler sanctions in order to accommodate Pakistan are discussed in this chapter.

Chapter 5 on *Clinton's Non-Proliferation Policy Towards Pakistan* discusses the little known Brown and Harkin-Warner amendments allowing Pakistan to receive its fully paid-up military supplies worth $368 million back from the United States that were held up after the Pressler amendment. Discussion on Clinton's efforts to stop Pakistan and India from conducting nuclear tests in 1998 and his efforts to engage them in discussions on the comprehensive test ban treaty are also part of this chapter.

The *Conclusion* provides an overview of U.S. non-proliferation policy towards Pakistan from Ford to Clinton from 1974 to 2001, the pattern and the non-proliferation trade-offs in each of the five administrations.

Notes

1. Dennis Kux, *The United States and Pakistan, 1947-2000: Disenchanted Allies* (Baltimore: Johns Hopkins University Press, 2001)
2. Hussain Haqqani, *Magnificent Delusions: Pakistan, United States and an Epic History of Misunderstanding* (New York: Public Affairs, 2013)
3. Farzana Sheikh, *Making Sense of Pakistan* (New York: Columbia University Press, 2009)
4. Teresita Schaffer and Howard Schaffer, *How Pakistan Negotiates With The United States: Riding The Roller Coaster* (Washington DC: USIP, 2011)
5. Daniel S. Markey, No *Exit From Pakistan: America's Tortured Relationship With Islamabad* (New York, NY: Cambridge University Press, 2013)
6. F.S. Aijazuddin, *From A Head, Through A Head, To A Head* (Karachi: Oxford University Press, 2000), 71
7. Several declassified documents show that both Nixon and Kissinger were sympathetic to General Yahya Khan even after they had learnt of the massive killings carried out in East Pakistan as per the cables sent by the U.S. Ambassador to Dacca, Archer Blood, on 06 April 1971. The National Security Archive Electronic Briefing Book No. 79 is a compilation of declassified U.S. government documents on the Crisis of 1971. For Nixon and Kissinger's sympathy for Yahya where Nixon wrote, "To all hands: Don't squeeze Yahya at this time", see Document 9, Memorandum for the President, *Policy Options Towards Pakistan,* April 28, 1971, Secret, 6pp. For movement of the USS Enterprise to the Bay of Bengal see Document 26, Memorandum for General Haig, *Pakistan/India Contingency Planning*, Secret/Eyes Only, November 15, 1971, 3pp. The electronic briefing book can be accessed at http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB79/ Also see Gary J. Bass, *The Blood Telegram: Nixon, Kissinger And A Forgotten Genocide* (New York: Random House, 2013)
8. On December 15, 1971 Bhutto attended the U.N Security Council session in NY, which was deadlocked on a ceasefire resolution vetoed by the Soviet Union to support the Indian position of no-troops-withdrawal. After an emotionally charged speech, Bhutto stormed out of the UNSC meeting stating that he will not become party to legalizing aggression. A part of his speech available at https://www.youtube.com/watch?v=rLSR9rWiBiU provides an insight into his personality admired by many Pakistanis who remember him as someone who took a stand against "the powers that be".
9. Literature on Pakistan's nuclear proliferation places India at the center of all its strategic concerns. For an essential reading tracing Pakistan's early nuclear motivations and developments see Zalmay Khalilzad, "Pakistan: The Making of a Nuclear Power," *Asian Survey*, Vol.16, No.6 (June, 1976), pp.580-592; and Ashok Kapur, *Pakistan's Nuclear Development*, New York: Croom Helm, 1987
10. A declassified document, *U.S. Aide Memoire to Indian Atomic Energy Commission in 1970*, presents a very clear reading of U.S. position and expectations from its technological assistance to India, accessed on 15/09/12 http://www.armscontrol.org/pdf/19701116_US_Aide_Memoire_Indian_AEC.pdf
11. "No yielding to any nuclear blackmail," *DAWN*, May 20, 1974.
12. French refusal to cancel its agreement with Pakistan during Ford administration is discussed in detail in Chapter 1 on *Ford's Non-Proliferation Policy Towards Pakistan*.
13. In order to deal with regional proliferation challenges, U.S. Congress had amended the Foreign Assistance Act or FAA of 1961 in mid 1970s to include non-proliferation measures and arms export restrictions whereby *any* recipient of U.S. military and economic assistance involved in proliferation activities (transference or possession of uranium enrichment and plutonium reprocessing technologies) was to be penalized through sanctions and aid suspension. The Symington Amendment stipulated a waiver according to which aid could be resumed to the country in question, only if its continued suspension jeopardized U.S. national security interests.

The Soviet invasion of Afghanistan became a justification for the U.S. to resume aid to Pakistan to assist Afghan Mujahedeen against the Soviets.

14. Chapter 3 on *Reagan's Non-proliferation Policy Towards Pakistan* discusses the origins and implications of the Pressler amendment in detail. The law made all military and economic assistance to Pakistan contingent upon an annual presidential certification verifying that Pakistan did not possess a nuclear weapon and that any U.S. foreign aid to Pakistan would significantly reduce the risk of proliferation of nuclear weapons. Hirsch provides a detailed account of the scope of waiver authority stipulated in Symington-Glenn and Pressler Amendments, see Theodore M. Hirsch, "Nonproliferation: Recent Legislative Developments," *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 88, The Transformation of Sovereignty (April 6-9, 1994) pp. 556-561

15. For an extended reading of Pressler sanctions and its aftermath please see Richard W. Aldrich and Deborah C. Pollard, "Pakistan's Nuclear Weapons Program: Legal and Policy Implications of the Pressler Amendment," *United States Air Force Academy Journal of Legal Studies*, (5 USAFA J.Leg. Stud. 103) 1994. For a Pakistani perspective on the issue of F-16s and the legal implications of sanctions on Pakistan see Ahmer Bilal Soofi, "Legal Aspects of the F-16 Contracts between Pakistan and General Dynamics," *Pakistan Horizon,* Vol. 50, No. 4 (October 1997), pp. 51-73

16. India and Pakistan conducted nuclear tests in 1998 making the prospects of joining NPT nearly impossible. After the nuclear tests, the Government of Pakistan stated "we will accept obligations and commitment in the field of nuclear non-proliferation only if these are equitable and non-discriminatory. We will not accept unilateral obligations or commitment. We will not accept commitments which would permanently jeopardize the ability of Pakistan to deter the nuclear and conventional threats which India poses to our security" as quoted in a statement by Ambassador Munir Akram, Permanent Representative of Pakistan to the United Nations Conference on Disarmament Geneva, 14 May 1998 at the Plenary of the Second Sessions of the CD available at http://cns.miis.edu/archive/country_india/statemnt.htm For Pakistan's complete arms control and proliferation file see http://www.armscontrol.org/factsheets/pakistanprofile

17. In an effort to deter India and Pakistan from nuclear testing, U.S. Congress passed the Nuclear Proliferation Prevention Act in 1994 threatening severe sanctions against any country trying to assist, develop or test nuclear weapons. For a detailed reading of the NPPA see Public Law 103- 236.

18. Pakistan's growing nuclear weapons capability, Abdul Qadeer Khan's black market network and the safety and security of Pakistan's nuclear assets to name a few, are some of the issues that have become part of standard literature on Pakistan's nuclear history. It is not possible to cite here the quotes from Pakistani policymakers criticizing U.S. policies towards Pakistan for they are numerous but for a reading of Pakistani perspective on U.S. – Pakistan relations see Hamza Alvi, "Pakistan-US Military Alliance," *Economic and Political* Weekly, Vol. 33, No.25 (June 20-26, 1998): 1551-1557; Shahid Amin, *Pakistan's Foreign Policy: A Reappraisal* (Oxford: Oxford University Press, 2000); Najam Rafique, "Rethinking Pakistan-U.S. Relations," *Strategic* Studies, Vol. XXXI, No. 3 (Sep 30, 2011), 124-152; A.Z. Hilali, *US-Pakistan Relationship: Soviet Invasion of Afghanistan* (Aldershot, England: Asghgate, 2005). On Pakistan's nuclear weapons and U.S. policy see Samina Ahmed, "Pakistan's Nuclear Weapons Program: Turning Points

and Nuclear Choices," *International Security*, Vol. 23, No.4 (Spring 1999): 178-204; Kamal Matinuddin, *The Nuclearization of South Asia* (Karachi: Oxford University Press, 2002); Farzana Sheikh, "Pakistan's Nuclear Bomb: Beyond The Non-proliferation Regime," *International Affairs,* Vol. 78, Issue. 1(January, 2002): 29-48; Feroz Hassan Khan, "Nuclear Proliferation Motivations: Lessons from Pakistan," *The Nonproliferation Review*, Vol. 13, Issue. 3 (2006): 501-517. On U.S. non-proliferation policy towards Pakistan see T.V. Paul, "Influence through Arms Transfers: Lessons from the U.S.-Pakistani relationship," *Asian* Survey, Vol.32, No.12 (Dec 1992) pp.1078-1092; G. Andreani, "The Disarray of U.S. non-proliferation policy," *Survival: Global Politics and Strategy*, Vol.41, Issue 4 (1999) pp. 42-61; Chaim Braun and Christopher F. Chyba, "Proliferation Rings: New Challenges to the Nuclear Nonproliferation Regime," *International Security*, Vol. 29, No.2 (Fall 2004) pp.5-49; David Albright and Corey Hinderstein, " The A.Q. Khan Illicit Nuclear Trade Network and Implications for Nonproliferation Efforts," *Strategic Insights*, Vol. 5, Issue.6 (July, 2006); Richard. P. Cronin, K. Alan Kronstadt and Sharon Squassoni, "Pakistan's Nuclear Proliferation Activities and the Recommendations of the 9/11 Commission: U.S. Policy Constraints and Options," *CRS Report for Congress*, RL32745 (May 24, 2005) and; Feroz Hassan Khan, "Nuclear Proliferation Motivations," *The Nonproliferation Review*, Vol.13, Issue.3 (2006)

19. Maleeha Lodhi, "The Future of Pakistan-U.S. Relations: Opportunities and Challenges," Institute for National Strategic Studies, NDU, Washington DC, Special Report (April 2009) pp.1-6; 1
20. Feroz Hassan Khan, *Eating Grass: The Making of the Pakistani Bomb* (Stanford, CA: Stanford University Press, 2012), 6
21. Kux, *Disenchanted Allies*, xviii
22. Teresita Schaffer and Howard Schaffer, *How Pakistan Negotiates With The United States*, 360
23. Markey, *No Exit From Pakistan*, 2-3

CHAPTER 1

FORD ADMINISTRATION'S NON-PROLIFERATION POLICY TOWARDS PAKISTAN*

Overview

The prologue of Pakistan-U.S. relations inherited by Ford in 1974 was written in 1965 when U.S. placed India and Pakistan under arms embargo after both countries violated the terms of U.S. supplied Military Assistance Program (MAP) equipment during their war in 1965. On April 12, 1967, the United States announced that it would not resume military aid to Pakistan and India that had been suspended in the wake of their 1965 war. The United States maintained that the decision was taken in the interest of maintaining security in the region, preventing another war between India and Pakistan and reducing the threat of arms race between the countries.[1] In April 1967, the United States relaxed its arms suspension policy to permit "case-by-case cash sales of spare parts to both countries for previously supplied lethal weapons; the sale of non-lethal US equipment for cash or credit on a case-by-case basis; case-by-case consideration by the US of purchases of US-controlled lethal weapons held by third countries; and small grant military training programs."[2]

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Zulfiqar Ali Bhutto, Pakistan's foreign minister at the time of the embargo in 1965, viewed this U.S. decision to stop military assistance to Pakistan as a deliberate U.S. policy to pressure Pakistan over India. The chapter titled "American policy to bring Pakistan under Indian hegemony" in Bhutto's book *The Myth of Independence* opens as,

> Force enters when diplomacy is exhausted. If all attempts to bring about co-operation between India and Pakistan fail, it would be imprudent to rule out coercive measures. This does not necessarily mean that the United States, whose objectives are not quite identical with those of India, would, in desperation, create conditions that would enable India to dismember or destroy Pakistan. However, if the lessons of September 1965 are not forgotten, it would be rash to discount this possibility altogether in the calculations of Pakistan's foreign and defense policies.[3]

Bhutto was skeptical of the stated objectives of the American arms policy in South Asia on the suspension of aid to both countries and rightly so. He believed that the objective of U.S. military aid suspension policy was first, *not* to stop an arms race between the two countries since an 'arms balance' between India and Pakistan would have reduced the risk of war – just as it had led to détente between the U.S. and the Soviets. Second, it was also *not* to prevent a war between India and Pakistan given that ever since the two countries concluded defense agreements with the United States – Pakistan in 1959 and India in 1962 – it had been the biggest contributor to the arms race in the region, and that too with full knowledge of unresolved disputes between the two countries.[4]

Bhutto knew that the U.S.-supplied military weapons in Pakistan's possession and their effective use acted as a deterrent for India until the U.S. decided to stop military supplies. He questioned how Pakistan could maintain a deterrent in the absence of U.S. military assistance.[5] The answer had been with him all along – through Pakistan's own nuclear deterrent.

Pakistan's civilian nuclear program benefited from President Eisenhower's Atoms for Peace program through which many Pakistani nuclear scientists, physicists and engineers received training in the United States from 1955 onwards.[6] Feroz Hassan Khan credits Ayub Khan and Zulfiqar Ali Bhutto as two leaders whose "national-level decisions on domestic political dispensation and national security policy created new strategic alliances, military crises, and wars – and laid the foundation of nuclear discourse in Pakistan." Amongst the scientists, Khan credits the role of Dr. Abdus Salam, Pakistan's first Nobel laureate, and Dr. Ishrat Hussain Usmani that "charted the course of science and technology advancement for peaceful and military applications." Khan argues,

> The historic rise of two distinctly opposite personalities – General Mohammad Ayub Khan and his protégé Zulfiqar Ali Bhutto –– is a story of how personal idiosyncrasies and political decisions amid cross-cutting domestic politics, regional security dynamics, and global geopolitical tensions affected the nuclear discourse. Two opposing camps would emerge, one pragmatically advocating caution and slow gradual process, the other enthusiastically pushing for nuclear acquisition and development.[7]

But it is not only a story of how Ayub and Bhutto's differences

affected Pakistan's nuclear discourse; it is also a story of how expertly Bhutto used those differences to develop a narrative which worked in his favor allowing him to provide Pakistan a nuclear option.

Bhutto had approached Ayub with the idea of Pakistan developing nuclear weapons but was snubbed by Ayub. Feroz Khan in *Eating Grass* details a meeting that took place in October 1965 between Bhutto and Munir Ahmed Khan who was working in the IAEA at the time and would later become Chairman of Pakistan Atomic Energy Commission under Bhutto's government. Munir Ahmed Khan had visited the Indian nuclear facility at Trombay in 1964 and informed Bhutto about India's nuclear ambitions. Bhutto wanted Munir to meet Ayub and convince him about the 'urgency' and the need for Pakistan's weapons program. Munir during a meeting with Ayub in December 1965 informed him about the nuclear technology, which was available restriction free, and that India and Israel were both taking advantage of it. Munir also told Ayub that if Pakistan were to get it, the cost would be no more than $150 million. Ayub was not impressed and maintained that Pakistan was "too poor to spend that much money. Moreover, if we ever need the bomb, we will buy it off the shelf." When Munir told Bhutto that Ayub did not agree, Bhutto replied, " Don't worry, our turn will come!"[8]

Bhutto's turn did come but at the cost of Pakistan's dismemberment. In November 1968, massive demonstrations took place in Pakistan against Ayub led by two populist movements, Sheikh Mujub-ur-Rehman in East Pakistan and Bhutto in West Pakistan, which led to political breakdown in the country.[9] Sheikh Mujib was more

popular than Bhutto since his political party, the Awami League, had representation in both East and West Pakistan whereas Bhutto had not bothered to open an office for his political party Pakistan Peoples Party or PPP, in East Pakistan. The generals also feared that if Mujib scored a sweeping victory in general elections (if held according to schedule in 1969-70), the structure of the armed forces would be changed and they would be "consigned to subordination for ever."[10] Ayub handed over the power to General Yahya Khan on March 25, 1969 who, on the basis of adult franchise, created a constituent assembly through general elections. The One-Unit scheme that was in place since 1955 whereby the four provinces of West Pakistan were administered as one single province, was abolished and Yahya granted East Pakistan's request for representation in the assembly on the basis of population. But he refused to convene the assembly when Mujib's Awami League won with a landslide. Yahya used massive force to suppress the revolt in East Pakistan which was demanding secession following his decision. It took Indian intervention to separate East Pakistan from West Pakistan and the secession of Bangladesh was completed on December 16, 1971 after a massive loss of life.[11] Yahya recalled Bhutto from New York (where he was representing Pakistan in the UN Security Council deliberations on the 1971 war and whose Pakistan Peoples Party had won the majority seats in West Pakistan) to become the President of Pakistan and its first civilian Chief Martial Law Administrator on December 20, 1971.

Zulfiqar Ali Bhutto started a new chapter with the United States once the 1971 crisis was over. In his conversation with the U.S, Secretary of State, William Rogers, Bhutto had accepted that his

"Yankee-baiting Former Foreign Minister" days were over and that he was looking for a fresh start in Pakistan-U.S. relations. Bhutto had also praised the Nixon administration "for standing by basic principles of international law and civilized society" (during the Indo-Pak 1971 war) and told the secretary that he was ready for reconciliation with India.[12] His efforts towards normalization of relations with India resulted in the signing of the Simla Agreement between the two countries in 1972.

Ford's Presidency and The Regional Security Environment in South Asia

After Nixon's resignation as a result of the Watergate Scandal, Gerald Rudolph Ford assumed office, unelected, as the 38th President of the United States. With Nelson Rockefeller as his Vice President and Henry Kissinger as the Secretary of State, providing continuity in foreign affairs throughout his term, President Ford began his short two-and-a-half year term in office on August 9, 1974.[13] Confronted with an angry Congress that was keen on Nixon's prosecution after the Watergate scandal, Ford was heavily challenged by domestic politics at home. On the foreign policy front, Ford was confronted with continued U.S. involvement in Southeast Asia, détente with the Soviet Union and an altered regional security environment in South Asia.

Three months before Ford took office, India had conducted its first nuclear explosive test on May 18, 1974 by separating plutonium from the spent fuel from its Canadian-supplied nuclear reactor CIRUS (Canada-India-Reactor-Utility Services) for which heavy water was supplied by the United States. The Indian nuclear test (dubbed as a peaceful nuclear explosion or PNE) was criticized

worldwide for violating the integrity of bilateral nuclear agreements with Canada and the United States. It also highlighted the dangers of nuclear proliferation in a world where many countries had signed similar multilateral agreements for nuclear facilities to pursue peaceful nuclear energy programs. Pakistan also joined other countries in criticizing India for its decision but the latter's nuclear test hardly came as a surprise for the former's government or scientific community.[14] Even though the test was conducted during Ford's Vice Presidency in the Nixon administration, the Indian nuclear test single-handedly defined the contours of Ford's non-proliferation policy towards Pakistan during his presidency.

The Indian nuclear test in 1974 had a direct bearing on Pakistan's national security given their bitter history since partition and became a point of reference for Pakistan to seek resumption of U.S. military supplies by the United States to counter the Indian threat.[15]

Pakistan's strategy to deal with the altered strategic dynamics in South Asia after the Indian nuclear test consisted of the following: a) maintain nuclear ambiguity while seeking conventional military arms from the United States to modernize its military to counter the Indian conventional and nuclear threat; b) seek nuclear guarantees from major powers; c) stay out of the Nuclear Non-Proliferation Treaty (NPT) while internationalizing the issues of both regional nuclear proliferation and disarmament by voicing against the presence of nuclear weapons in the region and ; d) to acquire civilian nuclear technology from various international suppliers to firstly, meet its energy requirements and secondly, to develop its nuclear infrastructure.[16]

Contours of Ford's Non-proliferation Policy towards Pakistan

There were three issues related to the development of Ford administration's non-proliferation policy towards Pakistan: a) the resumption of military supplies to Pakistan; b) the administration's attempts to persuade Pakistan to cancel the French reprocessing plant agreement and c) the origins and rationale of the Symington amendment. An examination of these issues in this chapter is conducted within the framework of Pakistan's narrative about denial of access to nuclear technology to meet its genuine energy needs during the 1970s; U.S. tolerance for India's proliferation behavior and the latter's breach of international nuclear agreements after its nuclear testing in 1974 and the discriminatory nature of U.S. non-proliferation legislation towards Pakistan such as the Symington amendment.

Contrary to the popular perception in Pakistan of a deliberate anti-Pakistan policy, U.S. non-proliferation policy under Ford was not directed against Pakistan. Discussion in the following pages reveals that despite congressional and Indian opposition to resumption of military supplies to Pakistan, the administration lifted the arms embargo on the two South Asian countries which benefited Pakistan more than India. Even though after the Indian nuclear test in 1974, U.S. intelligence agencies had anticipated Pakistan to develop its nuclear weapons capability within the ten years' time period yet the Symington Amendment passed by the U.S. Congress in 1976 was more general in its non-proliferation approach and was not Pakistan-specific. Moreover, even though the administration generated some pressure on Pakistan to forgo the French reprocessing deal, it *never* explicitly made any attempt to 'threaten' refusal of military supplies on the basis of Pakistan's proliferation behavior.

The analysis of Pakistan-U.S. relations during the Ford administration is critical in understanding Pakistan's narrative development with respect to its selective targeting during the initial years of its nuclear weapons development. The evidence presented in this chapter reveals that Pakistani diplomacy achieved significant gains during the Ford administration. The most important being the lifting of the decade-old arms embargo which allowed Pakistan to purchase military arms from the United States *without* having to cancel its plutonium reprocessing plant deal with France despite U.S. demarches.

Resumption of U.S. Military Supplies to Pakistan

Z.A. Bhutto sought political insurance against India's use of the nuclear threat by sending his emissaries to all the major capitals in the world to explain Pakistan's position on the Indian nuclear testing. He maintained that Pakistan had foreseen the events and in his capacity as the leader of the nation since December 1971, he had given 'adequate urgency to the nuclear programme.' Bhutto vowed that Pakistan would not compromise on its basic 'national interest in the face of nuclear blackmail.'[17] According to Feroz Khan in *Eating Grass,* Pakistan was unhappy about the U.S. response to the Indian nuclear test. Kissinger's visit to India in October 1974, four months after the Indian test, and his remark that "India and the USA now shared another common tradition," was not the reaction Pakistan was expecting. In addition to these comments, Kissinger's reaffirmation that "the United States would continue to supply nuclear fuel to India's two General Electric Tarapur reactors, despite the now-established fact that India had used the U.S.-supplied heavy water in the CIRUS reactor to produce the fuel for the nuclear bomb," according to Khan, was

seen as the U.S. 'double-standard' where India was rewarded while Pakistan was dissuaded from doing the same.[18]

Pakistan also approached the UN for creation of a nuclear weapons-free zone in South Asia after the Indian test but the nuclear weapons states abstained from voting on the resolution. It was then that Bhutto realized that "Pakistan had no choice but to acquire essential nuclear technology under safeguards, if possible, without it, if necessary, in order to neutralize India's nuclear edge."[19] Along with building a nuclear capability, Pakistan required to modernize its conventional military as well. Pakistan approached the United States for renewal of military supplies hoping for a positive response towards its security needs vis-à-vis India.

Aziz Ahmed, Pakistan's Minister of State for Defense and Foreign Affairs met with Henry Kissinger in June 1974 and expressed the Government of Pakistan's (henceforth the GOP) disappointment on the not-so-peaceful nuclear test. The discussion between Aziz and Kissinger was straightforward and to the point. Aziz said frankly, "We think we have to have military aid. We propose defensive equipment at the beginning. We would define defensive as anti-aircraft SAMs, anti-tank missiles, radar coverage of our borders and submarines." Kissinger signaled his sympathetic position on Pakistan's dilemma by replying favorably, "I don't believe it's a peaceful nuclear test. It's a gross misapplication to try to use a nuclear explosion for peaceful purposes. We would take most grave view of their use of nuclear weapons…[meanwhile] you really need those arms [and] military aid."[20]

India warned the United States that the reversal of arms embargo (even though it included India along with Pakistan) would make Indo-U.S. relations difficult alleging that Pakistan had used "American arms against them in at least two wars, and that the flow of weapons to Pakistan spurs unrest in the subcontinent." However, Pakistan maintained that the arms embargo was "essentially discriminatory against a traditional friend." In comparison to India, Pakistan's weapons and military equipment were obsolete and were not suitable to even maintain "minimal defenses" therefore for Pakistan resumption of military supplies was essential for its security.[21] However, contrary to Pakistan's narrative, not much had changed between India and the United States and Ford-Kissinger policies towards India continued to echo the Nixonian tilt sympathetic to Pakistan's India threat while ignoring Indian reservations.

Within the United States, there was general apprehension against the reversal of arms embargo on the two countries in South Asia but overall the congressional and press reaction was 'mild.'[22] The New York Times argued in its editorial that the administration's decision to resume military aid was a "stimulus to the arms race in the sub-continent, an exacerbation of Indian–Pakistan relations, a blow to American relations with India and new evidence of the 'tilt' toward Pakistan."[23]

In the administration itself, there were varied opinions about resumption of military aid to Pakistan given the ambiguity about Pakistan's nuclear intentions. Fred C. Ikle, Director Arms Control Disarmament Agency (ACDA)[24] was concerned about the emerging nuclear competition between India and Pakistan and

he believed that the U.S. assistance to Pakistan had the potential to "accelerate India's nuclear testing, which would, in turn, stimulate Pakistani development." He argued that by attaching non-proliferation conditions with military aid to Pakistan, the United States would "succeed in committing the Pakistanis to abstain for a long time from a nuclear explosives program, while at the same time inhibiting the Indian program." Ikle argued that assurances provided by Bhutto would neither inhibit Pakistan's nuclear progress nor induce Indian restraint. He further warned that if Bhutto was not pressured enough then in effect the U.S. would have "acquiesced to Pakistan's nuclear program." In his memorandum to Kissinger, Ikle made three recommendations:

1. That the announcement of the lifting of the embargo specify that military assistance to be provided will be based on a continuing review of Pakistan's security needs that will consider, in addition to other factors, possible military implications of peaceful nuclear programs in Pakistan and other countries of the sub-continent.

2. That our commitment to lift the embargo be conditioned on Pakistan's agreement to accept safeguards on all nuclear facilities in the country (including adequate extension of the safeguards agreement on the Canadian reactor which is due to expire in two years) and on a commitment to discuss any new peaceful nuclear developments in advance with the U.S.

3. That explanations to India and to the U.S. Congress of our decision to lift the embargo emphasize the restraints thus placed on Pakistani nuclear development and the connection that will be made in the future between U.S. arms sales to Pakistan and the direction and pace of India's nuclear program.[25]

Henry Kissinger, who continued to serve in his capacity as the Secretary of State during Ford's presidency, was the main architect of the administration's South Asia policy. As a proponent of the resumption of the U.S. military aid, Kissinger believed that the decision to lift the embargo would "not alter the current military balance." On the merits of resuming military sales to Pakistan and India, Kissinger in his briefing memorandum to the president made a strong case for strengthening Pakistan's hand. He proposed to Ford that the decision to lift arms embargo to permit cash sales to India and Pakistan would accomplish four U.S. foreign policy objectives:

1. provide psychological and political reassurance to Pakistan, which would make it easier for Bhutto to continue the process of normalization with India

2. encourage Pakistan to remain identified as a friend and supporter of the U.S. in the Middle East/Persian Gulf region

3. correct an inherent inequity in our South Asian policy which friends such as Iran find difficult to understand, and

4. strengthen the civilian government of Prime Minister Bhutto. [In addition] the lifting of the embargo will also demonstrate to the Chinese that we share their interest in a secure Pakistan and are willing to take unpopular actions to promote this interest. It will remind the Soviets, who are the principal external supplier of India, that we do not intend to give them a free hand in South Asia while ours remain tied by our embargo policy.[26]

On the nuclear issue, the State Department had earlier briefed Kissinger on Pakistan's attempts to procure "an independent nuclear fuel cycle and the technical skills that would make the

nuclear explosion option feasible."[27] Based on this information, Kissinger wrote in his memorandum to Ford that there was "considerable evidence that Pakistan was embarking on a program that could in time give it the capability of duplicating India's nuclear explosion." He feared that if such a step was taken by Pakistan, it would be a set-back to broader U.S. "non-proliferation goals and add a major new element of instability in South Asia." He argued that even though the United States ideally would like to see Pakistan pursue a non-nuclear option and place all its future installations under IAEA safeguards, "such a far-reaching commitment would be politically difficult for Bhutto to make," and the objective of U.S. policy was "not to make this a quid pro quo for lifting of the arms embargo." Even though Kissinger was worried about Bhutto's nuclear ambitions and had read Ikle's suggestions, his memorandum to Ford argued against making aid to Pakistan conditional on receiving non-proliferation guarantees from Bhutto. In Kissinger's judgment, the United States had more to lose in terms of the U.S. global posture by continuing the embargo" than lose in a "strictly South Asian context by relaxing it."[28] Kissinger had anticipated congressional and Indian reaction to the proposed embargo announcement but believed that such opposition would moderate over time.

Prime Minister Bhutto (who in 1973 had changed offices from the President to the Prime Minister of Pakistan under the new constitution which established the parliamentary form of government) scheduled his first visit to meet President Ford on February 5, 1975 to seek relief from the arms embargo.[29] During the meeting, Kissinger aired concerns about the likelihood of congressional opposition to the decision to supply arms to

Pakistan and urged Bhutto to make a statement on nuclear non-proliferation to strengthen the administration's position. Kissinger stated,

> …if we could say to the Congress that we had discussed your nuclear program, that would help much. If we could say we achieved some nuclear restraint for some help in conventional arms, that really would defuse the opposition.

To which Bhutto agreed and replied,

> I am not enchanted by the grandiose notion that we must explode something, no matter how dirty, if our security needs are met. I want to spend money on something else. We have a nuclear program, but if our security is assured, we will be reasonable.

Even though Ford had a committed stance on non-proliferation, he told Bhutto "coming from you it would be better than from us and look good on the Hill."[30] Immediately after meeting Bhutto, Ford met Kissinger and Brent Scowcroft, Deputy Assistant for the President for National Security Affairs to discuss their impressions of Bhutto. Following is the transcript of the meeting, which reveals that even though Kissinger was wary of Bhutto's commitments, he decided to play along,

> Kissinger: A nuclear statement by Bhutto is a lot of eyewash. But without our arms, they would go all out, so it will be marginally useful. If we could get a statement that they wouldn't explode a weapon if their security is assured, that would help.
> Ford: He was an impressive man.
> Kissinger: He was great in '71. That was one of Nixon's finest hours. The Chinese ambassador told me we were big cowards and if we went in they would.[31]

Bhutto complied with Ford's request and after the meeting released a public statement affirming that "he would be willing to put all his current and future nuclear reactors under an international safeguard program to prevent the secret production of nuclear explosive devices, such as the one detonated by India last May."[32] But he used the opportunity to inform the international community of Pakistan's position on the non-proliferation regime. In reply to a question on Pakistan signing and ratifying the Nuclear Non-Proliferation Treaty (NPT) during the press conference on February 5, 1975, Bhutto explained Pakistan's stance on the NPT and stated,

> …We have not signed the NPT and we will not be in a position to sign the NPT, not because we want to go nuclear or we want to have nuclear weapons but because of moral consideration. India has not signed the Non-proliferation Treaty and if we can get adequate safeguards through the United Nations or otherwise bilaterally then, of course, that would be a different matter. But in the absence of any adequate political safeguards it would be difficult for us to contribute to the NPT strictly on moral considerations.[33]

On February 24, 1975 President Ford made the official announcement of lifting the decade-old arms embargo on the sale of lethal weapons to Pakistan and India, on cash-only basis, initially accepting only defensive weapons requests.[34] The National Security Decision Memorandum (NSDM 289) issued on March 24, 1975 established the guidelines for the United States Government (henceforth USG) to review requests by Pakistan and India for the sale of defense articles and services.[35]

After having welcomed the public announcement of the decision, Bhutto started pressuring the administration for increased arms supply of advanced conventional weapons to Pakistan. Bhutto wrote two letters to President Ford and one to Kissinger seeking U.S. support to safeguard Pakistan's territorial integrity against possible Soviet-Indo-Afghan designs. In the absence of "credible evidence of support from the U.S.," Bhutto forewarned Ford that the Soviet Union might be encouraged "to expect that the security requirements of Pakistan would compel us to make readjustments demanded by the changing power equilibrium in our region." Some in the administration believed that Bhutto's references to Soviet desire for increased influence in South Asia and his statement about the ineffectiveness of U.S. assurances against Soviet attack on Pakistan were exaggerated and a scheme for increased U.S. arms supply.[36]

In addition to raising the specter of the Soviet threat, the GOP was also worried about an imminent Indian attack on Pakistan, in Kashmir (which they feared would have had the Soviet blessing under the Indo-Soviet treaty of 1971). A transcript of the meeting between Kissinger and Aziz Ahmed, Pakistan's Minister of State for Foreign Affairs on Sep 30, 1975 reveals Pakistan's angst about an imminent Indian threat justifying the urgent requirement for advanced A-7 fighter jets. After informing Ahmed about the approval of 24 Tube-launched, Optically tracked, Wire-guided (TOW) launchers and 450 missiles for the GOP, Kissinger suggested that the arms supply relationship between the United States and Pakistan needed to be built slowly but steadily to which Ahmed replied,

> Ahmed: We want A-7 and other weapons in a hurry. India might well attack us the 2nd or 3rd week of November in Kashmir.
>
> Kissinger: Can they really attack there? I thought the terrain was too rugged, and it would seem as aggression anyway.
>
> Ahmed: According to the Indian Constitution, all of Kashmir is part of India. We can take them on in Kashmir but they will fight us all along the border. We cannot be certain but we think this will happen and we must look out for it. If it happens, it will be a two-front-war with Afghanistan joining in anytime there is war with India. But we can handle this with the A-7.
>
> Kissinger: It has a very long range and is an attack plane, isn't it?
>
> Ahmed: Yes. Are you saying it is not considered defensive? It is a fighter as well.
>
> Kissinger: I am simply stating facts about the plane.
>
> Ahmed: We have been very interested in this plane for a long time. We want about 110 of them. We also need weapons in short time frame since ordinary delivery will never get them in our hands before the war in November. We will do our best by ourselves but we need arms. It all depends on the USSR. The Indians cannot move without Soviet approval because of their treaty, which obliges the USSR to help India. [37]

Considering that there were rumors about an Indian attack on Bangladesh after its first military coup on August 15, 1975[38] (in which Bangladesh's founding president Sheikh Mujib-ur-Rehman was assassinated) to install a regime of its own choosing, it was unlikely that the Indians would have opened another front to attack Pakistan. Therefore, Ahmed's approach to seeking military weapons from the U.S. on 'urgent' basis to thwart an imminent Indian attack on Kashmir was part of the GOP's strategy to gain more arms in the bargain. For what it was worth, by raising the

Indo-Soviet threat, Pakistan did manage to convince the Ford administration to resume the arms sales to Pakistan on cash basis.

Pakistan's Nuclear Program

While the administration was trying to decode the rationale for the GOP's threat perceptions vis-à-vis the Soviets and the Indians, there were other developments taking place in South Asia at the time, with particular reference to Pakistan's nuclear activities that had implications for the administration's non-proliferation policy. Pakistan was expanding its nuclear energy program in the mid 1970s and was in negotiations with France for the sale of a plutonium reprocessing plant.

The U.S. administration was skeptical of Pakistan's intentions to acquire fuel cycle capabilities even after Bhutto's public assurances and his willingness to place all current and future facilities under IAEA safeguards. The reasons for U.S. skepticism were multiple. First, Pakistan's nuclear energy program during the mid 1970s did not justify the high cost ($1bn) of the reprocessing plant that the GOP wanted to construct and operate indigenously. Secondly, Pakistan's consistent opposition to the NPT was suspicious since if it was genuinely interested in the expansion of its civilian nuclear energy program, it had much to gain from the international nuclear suppliers countries as a NPT state party than as a non-NPT state. Third, a plutonium reprocessing plant would have given Pakistan not only expertise in the back end of the fuel cycle but also the incentive to reprocess spent fuel (even if it was to be placed under the IAEA safeguards) from its only operational reactor at that time, the KANUPP reactor in Karachi, which utilized natural uranium-fuel. Based on these apprehensions and sensing latent

proliferation potential in the prospective Franco-Pak plutonium reprocessing plant deal, the Ford administration established a quid pro quo with Pakistan: USG would sanction the sale of advanced A-7 attack aircraft 110 of which Pakistan was interested in buying from the United States, if Pakistan gave up the option of acquiring French nuclear reprocessing plant. This was the quid pro quo, which Kissinger had advised against in his memorandum to Ford before the decision to resume military supply was taken but in the face of growing concerns about proliferation, it was inevitable.

Table 1.1 Pakistan's Civilian Nuclear Program: 1955-1974[39]

August 1955: Pakistan signs a nuclear cooperation agreement with the United States for $350,000 in aid to purchase a 5 MW (thermal) pool type reactor.
March 1956: Pakistan Atomic Energy Commission is established.
1963: Pakistan Institute of Nuclear Science and Technology (PINSTECH) is established in Nilore, Islamabad. Pakistan Atomic Research Reactor PARR-1 supplied by the United States is constructed in PINSCTECH – inaugurated by Z.A. Bhutto, the minister of minerals and natural resources.
1965: PARR-1 achieves criticality. Utilizes low-enriched uranium and is operated under IAEA safeguards.
1965: Canadian General Electric Company (CGE) signs an agreement with Pakistan to build a 137 MW (electric) heavy water power reactor, Karachi Nuclear Power Plant (KANUPP) under turnkey contract. Construction in Karachi started in 1966.
1970: A pilot scale facility for the concentration of uranium ores is built at Dera Ghazi Khan.
1972: 137 MW KANUPP begins operations in expectation to supply 25 percent of Karachi's power requirements – inaugurated by Z.A. Bhutto, the president of Pakistan.
1973: To meet two-thirds of Pakistan's power requirements, PAEC announces plans to build 15 new nuclear reactors in the next 25 years.
April 1974: Pakistan secures a contract with France to supply a nuclear fuel reprocessing plant to be built at Chashma.

Bhutto's Nuclear Ambitions

Bhutto's 'eating grass' comment made after the 1965 Indo-Pak war is famously related to his determination to nuclearize Pakistan. In his reply to a question about Pakistan's response to India going nuclear, Bhutto, Minister of Foreign Affairs at the time, had remarked with great resolve, "Then we should have to eat grass and get one or buy one, of our own."[40] In contrast to this famous statement, a decade later as Pakistan's Prime Minister in 1975, Bhutto tried desperately to assure the international community of the opposite. He said, "for poor countries like us, (the) atom bomb is a mirage and we don't want it. In 1965, when I was the Foreign Minister, I said that if India had the atom bomb, we would get one too, even if we had to eat grass. Well, we are more reasonable nowadays."[41] In reality, however, his resolve of 'eating grass yet getting nuclear weapons capability' had anything but weakened in ten years.

As the President of Pakistan, Bhutto took personal charge of Pakistan Atomic Energy Commission (PAEC) on January 1, 1972. In his earlier tenure in Ayub Khan's government, Bhutto had held the charge of the Atomic Energy Commission in addition to being the minister of foreign affairs. His attempts to convince Ayub Khan of Pakistan's need for a nuclear capability had been unsuccessful but now as the head of the state and leader of a nation recovering from the loss of East Pakistan, Bhutto had a chance to realize his dreams of a nuclear Pakistan.[42] Determined to 'redeem national honour and pride' Bhutto convened a national meeting of over 70 Pakistani scientists in Multan, Punjab on January 20, 1972 to review Pakistan's atomic energy program, policy and future endeavors.[43] During the meeting, Bhutto told Pakistan's

scientific and engineering committee to be prepared to 'deliver' in case of any eventuality (an Indian nuclear explosion) without having mentioned the word 'bomb' or 'nuclear weapons'.[44] Bhutto appointed Munir Ahmed Khan, a close aide, who was serving as a senior staff member at the International Atomic Energy Agency (IAEA) at the time, as the new Chairman of PAEC during the meeting. Within two months of the meeting, Munir Ahmed Khan presented Bhutto a comprehensive plan for Pakistan's nuclear program "which envisaged complete control of the nuclear fuel cycle, and building numerous plants and facilities for the generation and application of nuclear know-how."[45] This marked the beginning of Pakistan's journey towards a nuclear weapons capability but the task at hand was arduous.

Agreement for the construction of Pakistan's first commercial nuclear energy power plant had been signed on May 24, 1965 with the Canadian General Electric Company (CGE). Its construction began two years later. A year after it went critical under the IAEA safeguards Bhutto inaugurated KANUPP on November 28, 1972.[46] According to the agreement, Canada supplied heavy water, nuclear fuel, technical information and spare parts for the plant. Pakistan negotiated another agreement with Canada in 1973 for the purchase of a fuel fabrication plant but after the Indian PNE of 1974, Canada informed Pakistan "it would not negotiate a new fuel contract for the KANUPP reactor until a strengthened safeguards agreement which precluded PNEs was arranged." This clause was unacceptable to Pakistan and it led to the Canadian suspension of spare parts for KANUPP and also the export of fuel fabrication plant.[47]

The Franco-Pak Reprocessing Agreement

With France, Pakistan had been in negotiations for a reprocessing facility since the 1960s, long before Pakistan's decision to acquire nuclear weapons, but due to Ayub Khan's unresponsiveness these plans never materialized.[48] After the Multan meeting, Pakistan established a pilot scale reprocessing facility at PINSTECH that allowed PAEC to sign a contract with the French company Saint-Gobain Techniques Nouvelles (SGN) in March 1973 for a 'basic design' of a large-scale reprocessing plant. The second contract with France was signed on October 18, 1974 for a 'detailed' design of the industrial scale plant at Chashma Barrage on the Indus River. According to Feroz Khan, in the second agreement, the French company SGN "promised to provide blueprints, designs, and specifications; procure equipment from suppliers; and put the plant into operation" and the SGN in exchange would "earn $10 million, and other French contractors would earn upward of $45 million." In addition to this agreement, "France was also trying to secure more orders – at least three to four 600-MW power reactors, Mirage fighter-bombers, and other hardware for Pakistan and other Arab states."[49]

The Franco-Pak reprocessing plant agreement created problems with Pakistan's negotiations with Canada (which had restarted since 1975) as Canada felt that the "reprocessing plant was uneconomical for Pakistan, and that its real interest in acquiring the plant lay in its military applications."[50] Canada maintained a position whereby it demanded "to retain veto over KANUPP's spent fuel being reprocessed and have that veto extended to Pakistan's entire program". Furthermore, it required Pakistan to "renounce the option of termination written into the original

1959 Nuclear Cooperation Agreement, and instead would have to accept whatever new safeguards were agreed upon throughout KANUPP's lifetime." Pakistan refused to "renounce its option to terminate the 1959 agreement without an accompanying removal of Canada's veto over KANUPP fuel reprocessing." Pakistan also refused to allow "Canadian safeguards on its proposed French reprocessing plant or on its proposed second reactor, the CHASHMA," purchased from China.[51] After the final round of negotiations that resulted in a deadlock, Canada unilaterally terminated its nuclear cooperation with Pakistan on December 22, 1976. Pakistan objected that Canadian decision was unjust since Pakistan as party to the agreement did not violate any terms of their contract and that it was being punished for 'India's crime.' Pakistani press reported that "Canada, betrayed by India and publically acknowledging its inability to influence her… unaccountably sought to bill all that to Pakistan with interest."[52]

Along with the plutonium route, however, Pakistan was also pursuing a parallel uranium enrichment program in Kahuta, Punjab headed by Dr. Abdul Qadeer Khan. As Pakistani scholar Shuja Nawaz writes in his book *Crossed Swords* Bhutto's nuclear initiatives had inspired many Pakistani scientists to return to Pakistan and contribute to Pakistan's national nuclear development. Dr. A.Q. Khan was one of the 'more celebrated names.' Pakistan had set up a uranium refining plant within the 'Chemical Plant Complex (CPC) at Dera Ghazi Khan which provided uranium dioxide for the KANUPP reactor and uranium hexafluoride (UF6) for the Kahuta Enrichment Plant. According to Nawaz, Bhutto had asked General. Zia-ul-Haq, the Chief of the Army Staff, to help the PAEC to develop the Kahuta plant in

1976. Dr. Khan had carried with him "the plans for the Urenco enrichment centrifuges from the Dutch firm, Fysscish Dynamisch Onderzoek (FDO)."[53]

The "Kahuta uranium enrichment project along with the fuel cycle facilities had all been successfully launched and were nearing completion" around the same time Pakistan was negotiating reprocessing agreement with the French. Given the absence of U.S. trepidation, public or official, about Kahuta enrichment project during the Ford administration, it can be ascertained that perhaps the Chashma deal with the French "served to act as a decoy for the establishment of the secret nuclear infrastructure that Pakistan needed to develop a nuclear deterrent capability."[54] Pakistan and France signed a bilateral agreement of cooperation on the plant on 17 March, 1976 and agreed to place it under the IAEA safeguards through a trilateral agreement. It would take several years for the construction to complete and the facilities to be operational. However, Pakistan was in for a surprise.

U.S. Demarches to Pakistan on the Reprocessing Plant Issue

In early 1975, along with Canada, the United States was also exerting pressure on Pakistan to cancel the French reprocessing plant deal. One fundamental U.S. objection to Pakistan's plutonium reprocessing agreement with France (and Pakistan's negotiations with Federal Republic of Germany for a heavy water plant) was grounded in Pakistan's lack of economic justification for having the need for a national reprocessing facility when the country's only nuclear power reactor KANUPP ran on natural uranium fuel supplied by Canada. On the U.S. objection to Pakistan's 'lack of economic justification' to pursue acquisition of nuclear

fuel and heavy water facilities, Sahibzada Yaqub Khan, Pakistan's Ambassador to the U.S., argued that since Pakistan lacked fossil fuels it had to depend on nuclear energy to meet its future power needs. Referring to a joint Pakistan/IAEA study completed in 1975, Khan commented on Pakistan's energy needs requiring "8-600 MW reactors in 1980's decade to meet power needs." Given that it would have taken Pakistan four years to complete the reprocessing plant, Khan maintained that delay in approval of IAEA safeguards agreement (due to objections by the American delegate) would delay completion of the plant eventually delaying Pakistan's ability to become self-sufficient in meeting its energy needs.[55]

The trilateral safeguards agreement between Pakistan, France and the IAEA was signed on 18 March 1976 with the vote of the U.S. delegate. Kissinger advised Ford on direct intervention to stop Bhutto from progressing with the reprocessing project. Even if the plant were to be safeguarded, Kissinger warned, "it would be possible for the GOP to contravene or abrogate any safeguards agreements." Kissinger argued "even if Pakistan kept its agreement, its possession of a potential nuclear explosives capability could by itself adversely affect South Asian stability" making it difficult to cooperate with Pakistan as "congressional and public opinion focus increasingly on the implications of Pakistan's nuclear activities."[56]

As advised, Ford in his letter to Bhutto of March 19, 1976, directly addressed the issue of Franco-Pak reprocessing deal, raising similar concerns. Citing "the lack of persuasive economic justification for obtaining sensitive nuclear facilities," Ford urged Bhutto to reconsider his decision to acquire a reprocessing plant until Pakistan's "future nuclear program is sufficiently developed

to establish a clear need and until other alternatives, such as a multinational venture, are thoroughly explored." In the absence of such an understanding, if Pakistan decided to go ahead with the acquisition of reprocessing and heavy water facilities, Ford warned, Pakistan would stand to lose public and congressional U.S. support.[57]

Ford's letter urging Bhutto to show restraint and cancel the reprocessing agreement with France provided Bhutto with a card to play and since 1976 was the pre-election year for Bhutto in Pakistan, his public pronouncements on rejecting the U.S. pressure on the reprocessing issue became part of his re-election strategy. For the Pakistani public, what filtered through was how the U.S. was trying to stop Pakistan's nuclear development by selectively targeting Pakistan and pressuring it to cancel a deal which was important to meet Pakistan's energy needs and that Bhutto was holding the fort.

On March 30, 1976 Bhutto sent his reply to President Ford detailing the history of Pakistan's civilian nuclear program, Pakistan's agreement with France and Germany for the reprocessing and heavy water facilities, respectively, approved under stringent IAEA safeguards and, the GOP's economic necessity for civilian nuclear facilities to meet Pakistan's future energy needs referencing the 1973 energy crisis. Bhutto regretted that the administration was pursuing double non-proliferation standards where it admonished Pakistan for its genuine peaceful nuclear intentions and rewarded India with uninterrupted nuclear fuel supply even after its nuclear testing. Politely rejecting Ford's request for cancelling the reprocessing deal, Bhutto stated,

> I am sure that if the full significance of the kind of safeguards that Pakistan has accepted with respect to its nuclear facilities were fully known to your Congress and the public, there could be no ground to fear that they might, in certain circumstances, be used for non-peaceful purposes. With these apprehensions dispelled, one cannot imagine that the United States would wish Pakistan to reverse its considered decision, shelve its nuclear energy programme and thus not only frustrate the expectations of its people about their development but also inflict lasting damage on their expectation of support from the United States in their legitimate interests.[58]

In reply to Ford's suggestion of seeking multilateral alternatives instead of national reprocessing facilities, Bhutto mentioned his positive discussion with the Shah of Iran on converting Pakistan's national reprocessing facility into a regional project and the prospects of inviting one or two other countries as regional participants. This last statement, however, worried Kissinger to no end. It was Kissinger who had advised that Ford propose to Bhutto the option of building a multinational reprocessing facility to be based in Iran even when he himself was not too convinced about the merits of this option. During a conversation with his advisers at the State Department, Kissinger had inquired about the merits of a regional reprocessing plant. He was informed about the advantages of such a regional nuclear facility with "improved control and accountability for the sensitive materials which would result from having people involved in the operation of the plant in addition to those of the host country." To which Kissinger had remarked, "unless there is collusion among the parties. The Iranians and Pakistanis could simply set quotas between them for the amount of diverted materials that would go to each."

Although Kissinger endorsed the idea publically, he believed it to be a "fraud." Kissinger knew that Bhutto wanted the plant to be based in Pakistan and not Iran if he was to become party to a multinational agreement and he knew that "a plant in Pakistan would be just a cover." Kissinger ended the meeting by conceding that,

> I know I have endorsed the idea, but when you study the practical application it is not so appealing. I can see a policy of opposing reprocessing, but I am not sure we should fall on our own swords to push others into multinational projects. Suppose the multinational plant were located in Pakistan. What would we have achieved?...Suppose the Pakistanis came to us and said they have now got Iraq lined up to join with them – or Sri Lanka. I would not be eager to spread this technology to those countries.[59]

In addition to his disagreement with State Department's proposals on regional multilateral reprocessing facilitates, Kissinger was also not happy with the State stalling on Pakistan's military equipment requests. "Nothing makes the blood course faster through the veins of my colleagues than to be able to screw an ally," Kissinger blasted in his opening remarks during a meeting with his advisers at the State Department. He made some interim decisions during the meeting to deal with Pakistan's reprocessing issue and sale of conventional arms ordering the State to expedite the arms supply with the exception of the A-7s requested by the GOP to retain some leverage.[60]

As an alternative to the current deal between Pakistan and France, it was decided that France should be urged to sell reactors to Pakistan but "postpone a reprocessing plant for 15-25 years, and

then require its co-ownership" and the United States should help by "offering some U.S. components for the French reactors and favorable Ex-Im financing" in a bid to "buy off the French, since they won't lose business." As a carrot, the USG would offer A-7s to the GOP in exchange for Bhutto's agreement to this proposal.[61]

As the United States was increasing direct and indirect diplomatic pressure on Bhutto to forgo the reprocessing project, the U.S. Ambassador to Pakistan, Henry Byroade wrote to Kissinger and aired his reservations against pressuring Bhutto. Byroade observed that Bhutto's stridency on the reprocessing deal was heightened by USG linking the reprocessing issue with the sale of A-7 aircraftsand cautioned that the negative linking approach towards the GOP would worsen U.S.-Pakistan relations. Bhutto, he argued, was "most unlikely to be brought around by threats and pressures, whether these are diplomatically phrased in terms of potential problems on the Hill or put in more direct language of negative linkage to ongoing or anticipated economic aid and military sales program." Byroade's insight about Bhutto's determination to go ahead with acquisition of complete nuclear fuel cycle capabilities was fairly prudent as he argued,

> … if Bhutto is as determined to go ahead with a complete nuclear fuel cycle as we believe he is and if he perceives that his possibilities for obtaining and paying for the conventional weapons he feels Pakistan needs will be significantly reduced by our actions, a nuclear deterrent could become an even more attractive proposition for him.

If it were to happen as Byroade articulated then such an occurrence would have directly challenged U.S. goals for regional stability.

He suggested that if non-proliferation was the administration's highest priority then addressing Pakistan's security concerns via a rapid military sales program that upgraded Pakistan's conventional military was the 'positive way' to approach Pakistan as opposed to negatively linking non-proliferation with arms supply.[62]

Byroade was convinced of Bhutto's arguments that Pakistan was not seeking any tactical advantage vis-à-vis India by pursuing a nuclear capability, instead his intentions were two-fold: to build a modern Pakistan and to boost the morale of the people of Pakistan which had been affected by the Indian nuclear explosion. In his defense, Bhutto told Byroade that he would have re-considered the Franco-Pak reprocessing deal if the timing of U.S. objections delivered in Ford's letter had not coincided with the actual signing of the deal. In sympathizing with Bhutto's dilemma of walking the fine line between publically committing himself to the deal to give his people confidence and worrying about the U.S., Byroade warned that,

> it may make us look good in the eyes of those for whom we are seeking to construct a record of opposition to proliferation, and will give some people the feeling of virtuous satisfaction that we are doing our part. At the end of the exercise we will be able to say that we tried. We will regrettably have to add that we failed, and that a downward spiraling of US/Pak relations to zilch was a significant by-product of the effort.[63]

Byroade's prognostication about deterioration of U.S. relations with Pakistan over nuclear proliferation issue was astute and Pakistan-U.S. relations during the Carter administration bore testimony to that fact.

U.S. Demarches to France and Germany on the Nuclear Deals with Pakistan

The United States did not selectively pressure Pakistan into cancelling the French deal – it also approached France for the same. As a nuclear weapons state (NWS), France proved to be a more challenging case for U.S. nuclear diplomacy in the mid-1970s than Germany with respect to their nuclear exports policies. Gaullist conceptions in the 1960s fashioned the policies of an independent and self-reliant France, which gatecrashed the nuclear club with its first nuclear weapons test in 1960. In its initial years as a NWS, the beginning of an independent French nuclear policy was marked by several steps some of which were the French refusal to sign the NPT, withdrawal from the Conference on Disarmament (CD), continuation of atmospheric testing, non-adherence to the international safeguards regime, refusal to participate in the London Suppliers Group discussions and nuclear exports to non-NPT states with lax safeguards. These issues also became irritants in the U.S.-French foreign relations during the 1970s.[64]

The United States was finding it increasingly difficult to engage France in a nuclear suppliers' arrangement (an initiative of the United States) after the Indian nuclear test in 1974 which would have tightened nuclear technology export controls on countries that were not party to the NPT. On June 3, 1974, a NSDM 255 approved guidelines for use in consultations with nuclear-supplier countries on export of nuclear materials, supplies, technology and equipment. In coordination with the Atomic Energy Commission (AEC), the Department of State was entrusted with the responsibility of conducting consultations with the supplier countries emphasizing the need for,

> (1) establishing agreed international guidelines, preferably based on U.S. practice, to ensure the physical security of weapons-usable and highly toxic materials whether internationally transferred or indigenously produced; (2) reaching some common principles regarding the supply of sensitive enrichment technology or equipment; (3) avoiding or applying stricter terms for supply in situations where special hazards could be present; and (4) encouraging, where appropriate, multinational enrichment, fuel fabrication and reprocessing facilities.[65]

French commitment to export controls was a major requirement for success of the U.S. nuclear non-proliferation policy. Even though the NPT recognized France as a NWS, France chose to remain a NPT holdout, refusing to participate in several international non-proliferation arrangements and became a major supplier of nuclear technology, materials, equipment and reprocessing facilities to non-nuclear weapons states not party to the NPT without much regard for IAEA safeguards regime.[66] The French, however, were dependent on the United States for supplies of highly enriched uranium (HEU) but that was not leverage enough to compel French cooperation in the non-proliferation regime. France finally decided to join the suppliers group for an exploratory meeting on 23 April, 1975 after Kissinger accepted several French conditions, assuaged their fears that other suppliers would not be discriminatory towards France because of its non-NPT status and that the decisions made by the group would not be retroactively applied to contracts France had already signed with various countries.[67] Bringing the French into the fold of the non-proliferation regime by pushing them to join the Suppliers Group is one of the most significant achievements of the U.S. non-proliferation policy during the Ford administration.

French contracts with Pakistan were in compliance with the former's obligations undertaken in London. On the conditions under which France supplied nuclear materials to recipient states, France maintained that it "respected the London agreement and that required the parties with which it signs these contracts to give the guarantee stipulated in the London agreements." The Ford administration understood the French position and agreed that they were in compliance with the London agreement, which stipulated that France would, "exercise restraint in the supply of these exports; that they would encourage the concept of a multinational regional facility where possible; and that any sensitive facilities built from these plans or their sale, would be safeguarded under IAEA conditions and that such facilities could not be duplicated and rebuilt using this transferred technology."[68]

The trilateral agreement between Pakistan, France and the IAEA had inbuilt provisions for the safeguards that the French had agreed to in the London agreement. It was difficult for the administration to convince the French to cancel the reprocessing deal with Pakistan especially when they knew that the agreement did not violate the London Suppliers agreement.

In his letter to the French Minister of Foreign Affairs, Jean Sauvagnargues, Kissinger applauded French cooperation and contribution in making the Suppliers Group a success. Citing suspicions about Pakistan's intentions to develop nuclear weapons using the French reprocessing plant as means towards that end, Kissinger urged France to join the United States "in an act of leadership to deter or delay Pakistani acquisition of a national reprocessing capability and to pursue, when the need is clear,

safer and more economic alternatives, such a multinational venture in the region." Airing his concerns about Pakistan's interest in acquiring a large-scale reprocessing facility "for which it has no economic need," Kissinger argued that, it "does have considerable potential for being used either to counter India's nuclear capability or to try to obtain concession for not doing so." Knowing that the Franco-Pak agreement was under the IAEA safeguards, the Secretary emphasized that there always was "danger of contravention or abrogation of even the most effective safeguards agreement if a nation finds this to be in its national interest." Kissinger requested the French government to "delay further actions on this transaction for a reasonable period of time" and join the United States in making "an enduring contribution to international stability" by "forestalling further transfers of national reprocessing capabilities, particularly in circumstances where there is a substantial risk that they might be used for non-peaceful purposes."[69]

The USG issued several demarches to the French government to cancel the reprocessing plant agreement with Pakistan but France resisted the U.S. pressure and refused to rescind the reprocessing deal during the Ford administration. In his reply to Kissinger, Sauvagnargues argued that "the proposed sale was in keeping with the principles that emerged from the 1975 London nuclear suppliers meetings and he thus saw no reasons not to sign the requisite agreements on the scheduled dates – that is, this week."[70] Despite immense pressure on France and Pakistan, no significant successes were achieved by the Ford administration to push the two countries to cancel the Franco-Pak reprocessing deal.

Pakistan's contract with FRG also met a similar fate i.e. Kissinger's requests were disregarded. Pakistan was in negotiations with FRG in 1975 for sale of heavy water plant which was to be provided by "Linde Ag Werksgruppe and would produce about 10,000 Kgs heavy water per year."[71] In a letter to the German Minister of Foreign Affairs, Hans-Dietrich Genscher, Kissinger raised his concerns about Pakistan's attempts to acquire a reprocessing plant from France and a heavy water plant from the FRG. "In reviewing the totality of Pakistan's planned nuclear program," Kissinger explained, "we find it difficult to avoid the conclusion that there is a substantial risk of nuclear proliferation. Neither a chemical reprocessing nor a heavy water production capability is needed to meet Pakistan's civil nuclear needs. Both facilities would however, provide important elements in an indigenous capability to produce nuclear explosives." In a tone similar to his demarche to the French Foreign Minister, Kissinger appreciated FRG's role in the Suppliers Group and Germany's decision to "defer further action on the proposed heavy water sale" until the U.S. had received replies for its demarches from France and Pakistan on the subject of reprocessing. Kissinger cautioned that for Pakistan, "an independent ability to produce heavy water would be critical link in an indigenous fuel cycle which would give Pakistan the ability to develop nuclear explosives."[72] By mid 1976, however, the GOP was acutely aware that the future of heavy water plant from Germany or heavy water supplies for KANUPP was dependent upon resolution of the reprocessing issue.

Towards the end of President Ford's term, the administration had reached a standoff with Pakistan over the issue of the reprocessing plant. Bhutto was rigid against the U.S. pressure and the French

regarded U.S. intervention as sabotage on their sovereignty. The Ford administration's position towards Pakistan, however, was strengthened by a congressional legislation with specific provisions to stop U.S. assistance to countries involved in proliferation activities. However, it only provided Kissinger a face-saving device in his dealings with Bhutto; by appearing to have his hands tied by the legislation, Kissinger made references to the threat of sanctions against Pakistan and suspension of military arms if the reprocessing deal was not cancelled. However, this threat did not materialize during Ford's presidency.

The Origin and Rationale for The Symington Amendment 1976

During the Ford administration between 1975 and 1977, several nuclear non-proliferation bills and amendments were introduced in the 94th Congress, some of which became laws, some were defeated and some vetoed. Congressional interest in nuclear non-proliferation issues and the potential dangers of spread of nuclear weapons was sparked by a series of events that took place during that time period, some of which included, "the Indian nuclear explosion in 1974; illicit sale of nuclear technology to non-nuclear weapons states by France and West Germany; Nixon's proposed supply of large nuclear power reactors to Israel and Egypt; public interest groups protesting against license applications to export of nuclear power reactors and fuel to South Africa, nuclear steam generator to Spain and slightly enriched uranium to India."[73]

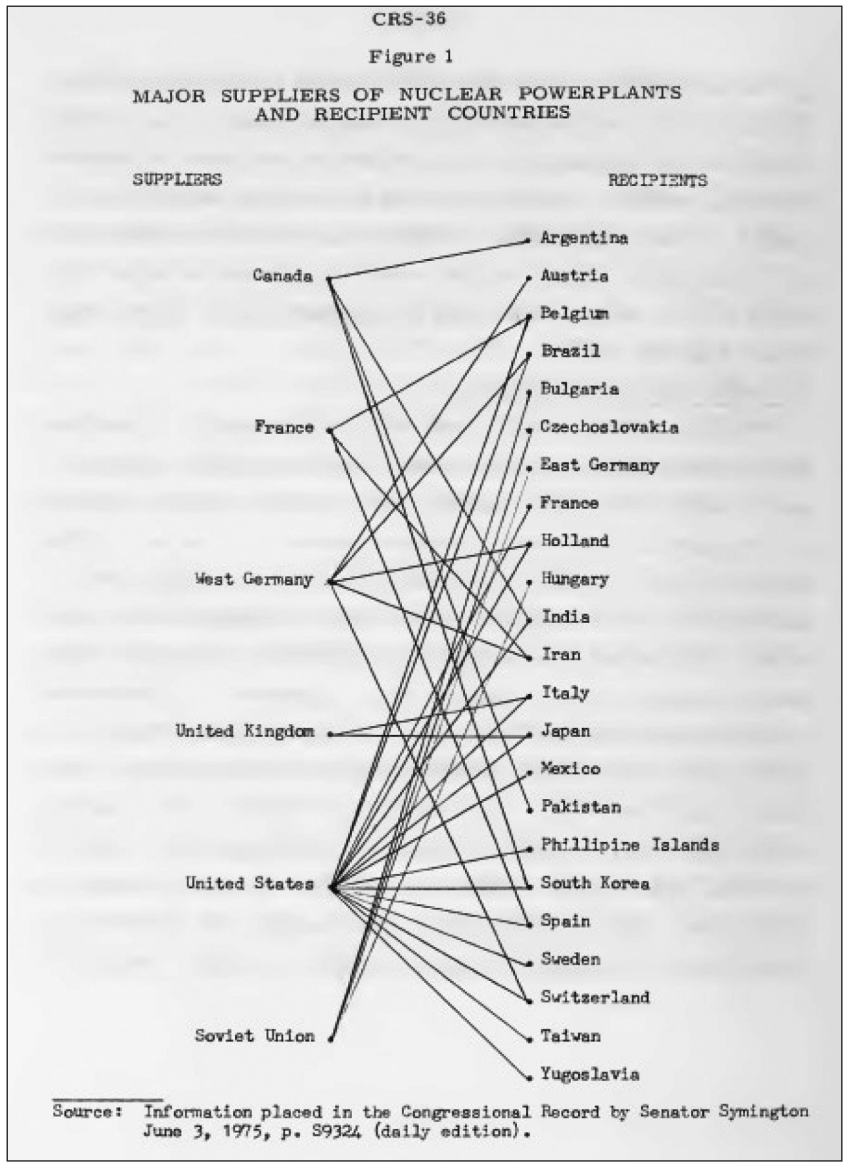
After the Indian PNE in 1974, a nuclear suppliers group named the London Suppliers Group (now the Nuclear Suppliers Group or NSG) was established to strengthen nuclear exports and safeguards which met for their first meeting in November 1974. The London

Group was a select group of countries in the beginning including the four NWS (with the exception of China): the United States, the Soviet Union, the United Kingdom, France and three non-NWS Federal Republic of Germany, Canada and Japan. Fig 1.1 shows the network of supplier and recipient states in 1975. Recently declassified documents show that Kissinger played an important role in the establishment of the London Suppliers Group and also persuaded France to join, whose involvement was critical for the success of the Group considering its extensive global nuclear export technology commitments.[74] The Group held several conferences in 1975 and 1976 to seek cooperation amongst supplier nations for safeguards on their nuclear exports.

However, by 1976, the group had expanded to include other supplier countries: German Democratic Republic, Italy, Netherlands, Belgium, Czechoslovakia, Poland, Switzerland and Sweden.

Even though the London Suppliers Group was established, concerns remained about the impact of growing number of supplier nations and increased demand for nuclear power reactors in the global market. Initially at the heart of U.S. concerns were agreements signed by two major supplier nations, FRG's agreement with Brazil (a NPT hold-out at the time) to export nuclear reactors and construction of complete nuclear fuel cycle in Brazil in 1975 and two French agreements for export of plutonium reprocessing plants to the Republic of Korea (NPT member state) in 1975 and Pakistan (NPT hold-out) in 1976.

Figure 1.1 Network of Nuclear Suppliers and Recipients in 1975[75]



The U.S. demarches to France and Germany on the nuclear exports issue were not the only form of U.S. nuclear diplomacy. After the establishment of the Group and French involvement as a supplier nation, the United States also used that forum to persuade France and FRG to cancel their planned agreement for the sale of nuclear facilities with several countries. France agreed to review its export policy for future sales of plutonium reprocessing but maintained that its decision would not apply retroactively to all previously signed agreements.[76] Even though it was not what the Ford-Kissinger administration ideally wanted from France, it held some promise for the non-proliferation regime.

By mid 1970s, Pakistan was no longer the only source of apprehension for the non-proliferation lobbyists in the United States which took the focus off Pakistan to include other countries. There were strong concerns about nuclear ambitions of countries like Brazil and the Republic of Korea and some believed that export of nuclear power reactors, facilities and materials to these countries by international suppliers was equivalent of enabling their military nuclear options. It was based on these concerns that the Joint Committee on Atomic Energy (JCAE) encouraged the Executive to take actions to delay, discourage and prevent the spread of nuclear weapons. The JCAE was unique in its composition, mandate and legislative authority. The provisions of the Atomic Energy Act of 1946 called for the creation of the JCAE and it was established on August 2, 1946. The function of JCAE was to oversee the activities of the Atomic Energy Commission (AEC). The AEC was abolished as a result of the Energy Reorganizing Act of 1974 and two new agencies were created to divide its functions: the Nuclear Regulatory Commission (NRC) and the Energy

Research and Development Administration (ERDA) and the oversight responsibilities for these two new agencies were assumed by the JCAE on January 19, 1975. Composed of equal numbers of Senators and Congressmen (nine each), its legislative powers were established by law and not by the Senate rule, therefore, the same bill would be reported to both the House and the Senate for deliberation. Until its dissolution in 1977 as a result of the Energy Reorganizing Act of 1974, the JCAE was responsible for all issues related to development, use and control of atomic energy and also broader issues related to nuclear non-proliferation. In 1977, the functions of JCAE were transferred to four committees: a) The Committee on Armed Services, b) The Committee on Energy and Natural Resources, c) The Committee on the Environment and Public Works, and d) The Committee on Foreign Relations.[77]

In its annual report to the respective houses of 94th Congress on the *development, use and control of nuclear energy, for the common defense and security and for peaceful purposes*, the JCAE outlined major issues of concern to the Congress for the next year. The Committee in its report defined *proliferation* of nuclear weapons as "the increase of weapons already possessed by a nuclear-capable nation (*vertical* proliferation), and the increase of nations which are capable of developing, producing, or obtaining nuclear weapons (*horizontal* proliferation)."[78] In its summary of important issues, six problem areas were identified warranting congressional oversight. Two of the six issues were related to threat of the spread of nuclear weapons and the need to control proliferation. The committee reported on,

- The increased danger of more nations seeking an

> independent nuclear weapons capability and the need to develop more effective methods to deter and delay this threatened proliferation of nuclear weapons[79] and
>
> - The need to increase the safeguards against the possible diversion or theft of nuclear materials; the sabotage of nuclear facilities; or other acts of nuclear related terrorism."[80]

The most important contribution of the report was the Committee's understanding of the political motivation for proliferation in a country's decision to acquire nuclear weapons. The report stated,

> The most important element in a nation deciding to develop a nuclear capability is the *political motivation* to do so. Current examples are numerous: the concern of India over the Chinese nuclear capability and a background of continuing ill-will between Pakistan and India; the concern of Pakistan over a nuclear-armed India; the concern of Israel for its preservation in the continuing Arab-Israeli conflict; the concern of the Arabs over a nuclear-armed Israel; the concern of South Korea, Taiwan and most especially Japan over their security during a time of decreased presence of the United States in the Pacific area; the concern of Israel over the strength of U.S. security assurances in the face of a possible resumption of the Middle East War; and, finally, the concern of the NATO Allies, especially the Federal Republic of Germany, over whether there will be a major withdrawal of U.S. forces and nuclear weapons from Europe.[81]

It is clear that based on this understanding, the 94th Congress was able to legislate effectively on issues of nuclear proliferation providing the Ford administration the tools to rein in ambitions of countries around the globe and not just Pakistan.

Senator John O. Pastore (D-RI) Chairman JCAE, sponsored a resolution (Res. 221) – passed by the Senate on December 12, 1975 – calling on the President "to seek a cooperative international effort to strengthen and improve international safeguards on peaceful nuclear activities to reduce the risk of theft of nuclear materials." It also directed the President "to seek restraint by suppliers of nuclear equipment in the transfer of nuclear technology."[82] The resolution generated enough momentum to start a public discourse on the subject of non-proliferation and nuclear exports questioning the Ford administration's resolve towards non-proliferation. Amongst the several editorials and articles that were published in late 1975, a *New York Times* editorial criticized the administration for lack of influence to dissuade supplier nations from commercial export of nuclear reactors. It noted that "the prolonged efforts of American officials to discourage France and West Germany from their nuclear deals undoubtedly would have had a far better chance of success, if Secretary Kissinger and President Ford had not over-pessimistically refused to engage their own personal prestige, and the full influence of the United States, for fear of a profitless crisis with major allies."[83]

By early 1976, there was incredible interest in the Senate on non-proliferation issues and international nuclear export controls and it generated substantial pressure on the administration to issue demarches to concerned countries. The USG wanted to establish stringent measures for export controls but the dilemma facing the Executive and the Congress was that they did not want to lose their share of nuclear export customers to supplier nations like France and Germany in the process. Kissinger in his statement before the Senate Government Operations Committee on March

9th, 1976 provided three reasons for a warranted change, from unilateral to a more concerted multilateral approach, in the U.S. non-proliferation strategy,

- Other industrialized states were entering the international nuclear market, thereby challenging our longstanding dominance as a commercial nuclear exporter and threatening to diminish the ultimate effect of our national safeguards and control policies
- The oil crisis has stimulated many developing as well as developed states to accelerate their peaceful nuclear power programs, both as a means of lowering the cost of generating electrical energy and reducing their reliance on imported petroleum products
- The nuclear test by India underscored the fact that additional states, even those not part of the highly industrialized world, were capable of using nuclear technology to construct explosives.

Kissinger further listed two elements of the administration's non-proliferation strategy,

> 1. Multilateral actions to move forward with other states in meeting the nonproliferation challenge; and
>
> 2. National nuclear export policies to insure that the United States continues to exert responsible leadership in nonproliferation.[84]

There was consensus amongst the administration and congress that the foremost goal of U.S. non-proliferation policy was to prevent the sale of plutonium reprocessing and uranium enrichment facilities. However, there were only two ways to go about it: a)

to deter the supplier countries like France and Germany from selling reprocessing and enrichment facilities by denying them the nuclear fuel for their own domestic programs for which they were dependent on the United States or b) to strengthen the IAEA safeguards and urge all importers and exporters to join the safeguards regime before the sale of nuclear facilities was finalized in order to minimize the risk of diversion of fuel for the production of nuclear bombs.

The administration believed that since it was difficult to prevent other countries from selling nuclear reprocessing technology or full nuclear fuel cycles to other countries, the only way to persuade countries was to encourage them to adopt stringent safeguards on their facilities. Another way was to encourage multinational reprocessing and enrichment plants as opposed to nationally owned and operated plants where the incentives for countries joining such multilateral initiatives was a lifetime supply of uranium from the multilateral entity.[85] The Ford administration had attempted to engage Iran to persuade Pakistan to join such a multinational effort based in Iran but Bhutto would only have agreed to such a facility if it were based in Pakistan.

The congressional pressure on the administration increased after France and Pakistan entered into a trilateral safeguards agreement on March 18, 1976. Senator Abraham A. Ribicoff (D-CT) in a powerful article in the NYT on March 26, 1976 censured the administration for French and German rejections of U.S. demarches to give up their nuclear export deals to Brazil and Pakistan. Ribicoff advocated that, "the United States must persuade France and West Germany not to engage in dangerous

nuclear trade. We should set a nonproliferation example they can follow, and we should remind them that they still depend heavily on us for the technology, components, and particularly the fuel used in their own ambitious nuclear programs."

As Chairman of the Senate Committee on Governmental Operations, Ribicoff proposed several attendant steps for the United States to "support a ban on the export of nuclear fuel facilities to nonnuclear-weapons countries, and on all nuclear exports to non-treaty nations,"; "a market-share arrangement among the suppliers" to guarantee "each supplier a minimum number of reactor sales a year," to eliminate "cut-throat competition in the sale of reactors and for promoting fuel arrangements that will discourage production and stockpiling of weapons-grade materials outside the supplier nations,"; and if such an arrangement is not reached then "the United States should announce that future supply of enriched-uranium fuel and of all other nuclear assistance will be made only to nations that join in meeting these nonproliferation objectives.

Ribicoff sternly warned, "if all else fails, the United States should stop supplying reactor fuel to the Germans and French."[86] But not everyone agreed with Ribicoff's submission.

Stuart Symington, a senator from Missouri (D-MO) and member of the JCAE, in his statement before the Senate on April 14, 1976 advised against Ribicoff's warning of banning nuclear fuel exports to France and Germany. Symington, who was a lead proponent of non-proliferation in the Congress, highlighted the need for the United States to control the spread of nuclear

weapons and argued, "while a ban on nuclear fuel to those two nations may have a short-term impact, it would not appear to achieve its desired effect," emphasizing that "it could result in both countries acquiring larger uranium enrichment facilities of their own, thereby becoming ever greater nuclear competitors of the United States." He cautioned that "such a ban could violate certain provisions of our own adherence to the Nonproliferation Treaty, as well as agreements with Euratom. In addition, it might violate other specific contracts with foreign utilities." Symington hoped for "a realistic constraint on nuclear proliferation" which he reiterated "must begin with open discussion by the supplier nations on the real issues involved" proposing "an agreement among the nuclear supplier nations not to export enrichment or reprocessing equipment to any individual country."[87]

The Symington Amendment and Pakistan's Reaction

Legislative restrictions on nuclear exports were enacted in the United States for the first time in June 1976, two years after the Indian nuclear test. An amendment uniquely relevant to establishing U.S. policy controls on countries receiving assistance from the United States was made to the Foreign Assistance Act of 1961 introduced by Senator Stuart Symington (D-MO) and enacted into law on June 30, 1976. A new Section 669 on nuclear transfers was added to Chapter 3 of Part III of the Foreign Assistance Act of 1961 and was approved on June 30, 1976 (Public Law 94-329) called the *International Security Assistance and Arms Export Control Act of 1976* (popularly referred to as *Symington the Amendment*). According to the legislation,

(a) No funds authorized or appropriated under this Act, the Arms

Export Control Act, or any other Act…may be used for the purpose of ,

(1) providing economic assistance;

(2) providing military or security supporting assistance or grant military education and training or;

(3) extending military credits or making guarantees;

to any country which,

(A) delivers nuclear reprocessing or enrichment equipment, materials, or technology to any other country; or

(B) receives such equipment, materials, or technology from any other country; unless before such delivery

(i) the supplying country and receiving country have reached agreement to place such equipment, materials, and technology, upon delivery, under multilateral auspices and management when available; and

(ii) the recipient country has entered into an agreement with the International Atomic Energy Agency to place all such equipment, materials, technology, and all nuclear fuel and facilities in such country under the safeguards of such Agency.

(b) The Act provided the President the authority to permit delivery to a country to which the above subsection would apply if he determines that,

(1) the termination of assistance would have a serious adverse effect on vital U.S. interests and

(2) certifies that "he has received reliable assurances that the otherwise ineligible country will not acquire or develop nuclear weapons or assist other nations to do so" and transmits such determination to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate; and such certification shall set forth the reasons supporting such determination in each particular case.

The Congress, through a joint resolution, had the authority to terminate or restrict assistance for a country or "take any other action with respect to such assistance for such country as it deems appropriate."[88]

Under this legislation, there was no compulsion on the affected countries to ratify the nuclear non-proliferation agreement – assistance was to be cut off if the countries in receipt of nuclear materials and reprocessing equipment did not accept the IAEA safeguards and both the importer and exporter state did not place items under multilateral control arrangements.

In terms of assistance, all U.S. foreign military and economic assistance including grants, credits (with the exception of humanitarian aid) were to be cut off if any supplier or recipient country was found in violation of this legislation. Although the legislation held great promise, some in the administration believed that "there were several large loopholes in the language, including Presidential waiver authority, that still allowed for considerable flexibility"[89] to be exercised by the president to authorize sales if it was in the national interest of the United States.

The United States was able to exert pressure on the Republic of Korea to cancel the French reprocessing agreement due to ROK's economic and security dependence on the United States.[90] But Pakistan was not explicitly under the U.S. nuclear umbrella and though it was a recipient of U.S. foreign assistance, it was not entirely dependent on it. The administration was aware that in the absence of U.S. leverage on Pakistan during the decade old arms embargo period (1965-1975), the GOP had sought nuclear

cooperation agreements with other countries like Canada, France and Germany. And the talk of refusing arms sales to Pakistan by the U.S. would later only create an air of mistrust and bad faith whilst proving ineffectual as a coercive strategy. Nevertheless, challenged by the congressional pressure, the Ford administration decided to reinforce its stance on non-proliferation with Pakistan one last time in explicit terms: no A-7 jets for the GOP if it proceeded with the reprocessing plant deal. Kissinger traveled to Lahore, Pakistan on 8 August 1976 to convince Bhutto in person but to no avail. According to Kux, linking the issue of the sale of A-7s to Pakistan, Kissinger had urged Bhutto "to accept the Ford administration's proposal: a substantial conventional arms package, including the potent A-7s, if Pakistan agreed to forego the nuclear reprocessing plant."[91]

In public, Kissinger sought reconciliation but his private tone with Bhutto was cautionary. On a dinner reception given by Bhutto, Kissinger proposed a toast to the long lasting friendship between Pakistan and the American people and sagely articulated that "… in the lives of all nations, there is a process of constant renewal, and nations have to periodically reprocess themselves. And they have to decide what it is that is worth reprocessing and what it is that is better left alone."[92] In his Lahore press conference after the meeting, Kissinger stated that the United States was seeking to reconcile its non-proliferation concerns with the agreements Pakistan made "in good faith on the basis of the knowledge it had at the time of making them," thereby not publically commenting on Pakistan's intentions to develop nuclear weapons. On the question of the congressional attitude and the implications of the Symington amendment, Kissinger stated that he was "hopeful to

avoid confrontation from any source" and refused to speculate about the effect of the congressional legislation on aid suspension for Pakistan.[93] However, Bhutto remembered Kissinger's reproach differently,

> Dr. Henry Kissinger, the Secretary of State for the United States, has a brilliant mind. He told me that I should not insult the intelligence of the United States by saying that Pakistan needed the reprocessing plant for her energy needs. In reply, I told him that I will not insult the intelligence of the United States by discussing the energy needs of Pakistan, but in the same token, he should not discuss the plant at all.[94]

One year after Kissinger's visit, Aziz Ahmed, Pakistan's Foreign Minister "told [Pakistan] National Assembly that Dr. Kissinger had, during his August 1976 visit, threatened to cut off military supplies and economic aid to Pakistan if the plant deal was not abandoned; after which there was a rapid escalation in the nature of threats issued by the U.S. to Pakistan."[95] According to Weisman and Krosney in *The Islamic Bomb*, "Bhutto gave a second, bloodier version of his meeting with Dr. Kissinger in a dramatic speech to Pakistan's National Assembly in April 1977. Here Bhutto claimed that Kissinger had personally threatened him. Drop Chashma, he quoted Kissinger as warning him, or else "we will make a horrible example of you."[96] Yet another version of Kissinger's 'threat' is detailed by Samina Ahmed who writes, "In his 10 June 1977 speech during the National Assembly debate on the continuing U.S. pressure for a cancellation of the deal, Prime Minister Bhutto disclosed that in September 1976, the U.S. Secretary of State, Henry Kissinger, had warned the Pakistan Ambassador to Washington that a Democratic administration

would make a "horrible example" of Pakistan if it did not cancel the deal; and regardless of which party won the U.S. elections, there were "troubles galore" in store for Pakistan."[97] The declassified documents of Ford administration reveal that Samina Ahmed's version is much closer to the 'horrible example' comment than that quoted by Wiseman and Krosney.Kissinger had made that statement to Pakistan's Ambassador, Yaqub Khan in September 1976 and not directly to Bhutto when he met him in Pakistan in August 1976. What actually happened was that on September 7, 1976, a month after Kissinger's visit to Pakistan, Ambassador Yaqub met Deputy Secretary of State Charles Robinson to clarify Pakistan's position on the reprocessing issue and the sale of A-7 aircraft. Khan was candid in his comments and told Robinson that the GOP did not believe the sale of A-7s should be linked with the reprocessing question. Khan reiterated that Pakistan required A-7s for "legitimate defensive purposes in view of the GOP's relations with Afghanistan and India" and "to link the A-7 sale with the reprocessing plant would be the same thing as saying that the reprocessing plant was intended for purposes of security, i.e. Pakistan trying to make a bomb. Since that was not the case, the two issues could not be linked."[98] A week later, in his meeting with Kissinger, Khan was told that Pakistan's nuclear reprocessing issue had become a domestic issue (reference the Symington Amendment) and that there will be consequences for Bhutto's intransigence on the subject. It was during this meeting that Kissinger warned Khan of the 'horrible' consequences if Pakistan or France did not cancel the agreement. Following is the transcript of their meeting, which reveals Kissinger's frustration with Bhutto's tactics,

Yaqub: The Prime Minister thinks it is a very sensitive issue.
Kissinger: Yes. Giscard [the French President] is sensitive, as is your Prime Minister. Frankly, there are two interpretations of what your Prime Minister told me in Lahore. First is that you have decided to go ahead and have simply taken an elegant way of saying that neither of you can take the initiative of cancelling it. Or, both of you are now on the horns of a dilemma with ramifications neither could foresee. You know what the American domestic situation is. You know that if the Democrats win, they would like nothing better than to make a horrible example of somebody. They would love to take on the French, but they can't. They cannot be accused of being anti-European integration and anti-NATO, let alone anti-Atlantic. If the Democrats win, you will face an assault and they will attack you. Credit and arms sales will be much more difficult, even impossible. You know that the last thing I want to do is to be responsible for this. Frankly, what I would like at this point is some sense of what you would like to do.

Yaqub: …if I may speak frankly in reply to your question, your objections came after we signed an agreement with France. It is quite possible that we might be able to explain it that away. But the Prime Minister [Bhutto] reasoned that despite IAEA and other safeguards, there is still a chance that the 7% of unsafeguarded plutonium can be diverted. The Prime Minister suggests that without prejudice to our agreement with France, we look at what we might do with the seven percent.

Kissinger: You know, of course, this "newspaper crisis" (referring to the controversy over the Symington Amendment) was manufactured. I had never read the Symington Amendment and then everyone said: "But what will you do?" I said it may apply. They then wrote: "Henry A. Kissinger threatens Pakistan!"

Yaqub: The Symington Amendment, of course, refers only to non-IAEA safeguarded facilities.

> Yaqub: ….if the A-7 could be agreed to "en principe", then perhaps we can see if we can do something about safeguarding the seven percent.
>
> Kissinger: Neither your Prime Minister nor Giscard said that it was done and irrevocable. What I understood was that your Prime Minister said that if Giscard took the first move, that your Prime Minister would then see what he could do about it.
>
> Kissinger: You and I know why you want the reprocessing plant. You also know why I don't want it. You understand the problem. It's whether you are prepared to pay the costs. Mr. Ambassador…we will look at the seven percent, if you will look at what can be done. Once we understand each other, then we can take a look at the problem of how we get you the A-7s without making it look as though you had backed down. I have no desire to embarrass the Prime Minister. [99]

Kissinger never threatened sanctions on Pakistan under the Symington Amendment. After Kissinger's visit in August 1976, Pakistani newspaper *DAWN* in its editorial praised Kissinger for referring to the non-proliferation issue in general terms and not selectively targeting Pakistan but at the same time, raised issues with 'dichotomy' in the U.S. attitude towards India and Pakistan. On the Indian issue, the editorial reported the shipment of 20,000 lbs of enriched uranium to India "for use in the American-built Tarapur nuclear plant" and the U.S. administration 'taking shelter' behind the contract signed in the past between India and the U.S. even after India's breach of trust. The editorial suggested that if the U.S. wished to be "such a stickler for reliability of contract, it should not find it difficult to uphold the Pakistan-French contract."

For the Ford administration, rationale for the continuation of

U.S. supplied enriched uranium to India post-1974 was becoming increasingly difficult to justify to the domestic as well as the international audience, especially Pakistan. Immediately after the Indian test in May 1974, the United States had distanced itself from any 'role' in the Indian nuclear explosion. But in June 1976, Senator Abraham Ribicoff, Chairman Senate Government Operation Committee, stated that the United States had indeed supplied India "21 tons heavy water, an essential ingredient for enabling the Indian reactor, supplied by Canada, to transform natural uranium into plutonium." The administration, although agreeing that the U.S. had supplied heavy water to India, contended that the heavy water "had been used up for four years before the explosion, in 1974."[100] Within the administration as well, there was confusion about the administration's position on the U.S. role in Indian explosion. David Elliott, member National Security Council, Scientific Affairs in his briefing memorandum to the national security adviser, Gen. Scowcroft wrote about the administration's 'new' position. He said,

> New information provided by Canada and India has made it clear that the initial U.S. heavy water loading of the unsafeguarded CIRUS reactor had not completely evaporated or leaked as was previously believed. Undoubtedly, some of our heavy water was in the reactor during the period when the plutonium was produced for the Indian explosion. Our position is, however, that India has produced many times more heavy water in their indigenous plant, and that the U.S. heavy water was not needed. If we had recalled our heavy water (which retrospectively would have been smart from a domestic political viewpoint) it would have had no impact on the Indian explosive development. [With India] we have virtually no hope in achieving full fuel cycle safeguards, NPT adherence, or a cancellation of its nuclear

> explosive program. But by connecting their good behavior to continued U.S. supply, we might produce an indefinite delay in their testing. And the longer they wait, presumably the harder it will be for them to commence testing again. It is hoped that we can get the genie half-way back into the bottle.[101]

Even though the administration's logic for continuation of nuclear cooperation with India was optimistic or idealistic, it was difficult to convince Pakistan of the same. The quid pro quo that the Ford administration was desperately trying to establish in order for Pakistan to quit the nuclear reprocessing option did not work with Bhutto. The Democrats did win but it would take the Carter administration two years to find Pakistan in violation of the Symington amendment. That led to the suspension of U.S. military supplies and economic assistance to Pakistan in April 1979 making it the first and only country ever to have received such suspension under the Symington legislation.

Pakistan and France held on to their positions against strong U.S. opposition. It was perceived by France that "America really wanted to keep as much of the international atomic energy market as possible open for its own exporters" and that the United States "was not above using the threat of proliferation to cover its own commercial ambitions."[102] The outgoing French Prime Minister, Jacques Chirac, before his resignation on Aug 25, 1976 announced "despite American objections, France would go ahead with the sales to Pakistan of a nuclear-reprocessing plant."[103] However with Chirac out of office, French President Valery Giscard d'Estaing aligned his non-proliferation policy to that of the incoming Carter administration and cancelled the $1 billion reprocessing plant deal with Pakistan in 1978.

Notes

1. The suspension had only been relaxed in 1966 to allow both countries to purchase non-lethal equipment from the U.S. that included vehicles and electronic gear. An assessment of U.S. military aid suspension in 1965 revealed that it only encouraged both India and Pakistan to seek alternative arms supply partners. According to the report, Pakistan in 1966 "acquired at least 200 tanks and 100 or more aircraft from Communist China as well as a substantial amount of other arms, such as artillery and ammunition. It also got two squadrons of Mirage III's from France at a cost of $100 million." From the Soviets and Communist China, Pakistan hoped to receive tanks and aircraft. The report assessed that after the 1965 war, India received "135 MIG-21 FL jet fighters, a MIG-21 factory, 75 SU-7 fighter bombers, numerous helicopters and transport aircraft, missiles, some 800 tanks, artillery and naval vessels of various types." Moreover, Indians blamed the U.S. for pushing them towards Moscow due to their lack of response to their needs during the 1965 war (reference Kennedy's denial of F-104s to India). The report lists lethal weapons or equipment to include "armed or armored vehicles, such as tanks and APC's; infantry weapons; artillery; ammunition; armed helicopters; and combat aircraft. Spare pares in support of these items are also included. Non-lethal includes transport; observation; trainer aircraft; and unarmed helicopters and support equipment and spares; trucks; communications, radar and signal equipment; engineer equipment; etc." This report is part of a Secret Cover Memorandum sent to Secretary of State Henry Kissinger from Assistant Secretary State for Near East and South Asian Affairs, Joseph Sisco on Nov 14, 1969, " U.S. Military Supply Policy for South Asia – Response to NSSM 26, Presidential Directives, Part II, Digital National Security Archives
2. *Ibid*, 2
3. Zulfiqar Ali Bhutto, *The Myth of Independence* (London: Oxford University Press, 1969): 79
4. *Ibid*, 80

5. *Ibid*, 112
6. For a detailed history of the origins of Pakistan's civilian nuclear program and the establishment of its nuclear weapons program see Feroz H. Khan's *Eating Grass*, 2012
7. Khan, Eating Grass, 33
8. *Ibid*, 62.
9. Altaf Gauhar records the rapid turn of events between February 1969 — when Ayub approached political parties (Democratic Action Committee or DAC comprised of eight opposition parties) to hold talks indicating that he would accept any settlement 'arrived at through mutual decision' — and 25 March 1969, when he handed the reigns over to Commander in Chief of the Army, General Yahya Khan, see Gauhar, *Ayub Khan's Abdication*, 117-123. Gauhar writes that by 14 March 1969, the politicians were unable to agree upon any political settlement – their demands ranged from parliamentary system of democracy to abolishing One-Unit (which was established in 1955 to uphold the principle of parity between East and West Pakistan by amalgamating all four provinces of West Pakistan). On 20 March 1969, Ayub said, "We must promulgate martial law…People have to be brought back to sanity," 123.
10. Gauhar, 125
11. The loss of Bangladesh is one of the darkest chapters in Pakistan's history. There is rich historical documentation discussing this event in history. For military and political causes of Pakistan's defeat and dismemberment in 1971 see Report of the Hamoodur Rehman Commission of Inquiry into the 1971 War, declassified by the Government of Pakistan, (Lahore: Vanguard, 2000). The report was declassified under General Pervez Musharraf's government in 2000, thirty years after it was submitted on October 23, 1974. Also, see Richard Sisson and Leo E. Rose, *War and Secession: Pakistan, India and, the Creation of Bangladesh* (Berkley: University of California Press, 1991). For a role of the U.S. during the 1971 war see Gary J. Bass, *The Blood Telegram: Nixon, Kissinger And A Forgotten Genocide* (New York: Random House, 2013). Reference to the Kennedy-Ayub 1962 aid memoire discussed in previous section once again came to

light during the 1971 war when Kissinger and Nixon were contemplating options to assist Pakistan. Geoffrey Warner in his review (e-book) of the FRUS Vol. XI, South Asia Crisis 1971, *Nixon, Kissinger and the Breakup of Pakistan, 1971* writes that Kissinger met Soviet Minister Counselor Voronstov on 10 December 1971 after the Pakistani commander in East Pakistan called for a ceasefire. Kissinger referred to Nixon-Brezhnev letter calling for an immediate cease-fire in West Pakistan as well. Kissinger told Voronstov that in the absence of the cease-fire, U.S. was obligated to protect the 'whole of Pakistan' from an act of aggression. Kissinger read out from the 1962 aid memoire and told Voronstov, "Now, I hope you understand the significance of this….This isn't just an obligation. It will completely defuse the Democrats because they are not going to attack their own President [it is] a Kennedy obligation," *International Affairs*, Vol. 81, Issue 5, pp. 1097-1118; p.1114. I believe that this episode lends credence to Pakistan's narrative of abandonment (irrespective of the qualifying condition discussed previously which only held in the case of 1965 war): since Kissinger did not use this aid memoire with Yahya or Bhutto to reaffirm Pakistan of U.S. support against Indian aggression in December 1971 but used it with Voronstov instead, this document was only good for pressuring the Soviets into supporting the UN resolution for ceasefire in East and West Pakistan and joint withdrawal of Pakistani and Indian forces from East Pakistan (Bangladesh).

12. Immediately after attending the UNGA session on 1971 India-Pakistan war on December 15, 1971, Bhutto requested a meeting with the U.S. Secretary of State, William Rogers and President Nixon and met them on December 18, 1971. He then returned home to assume the charge as the president of Pakistan, after Gen. Yahya's resignation. Kux in his book *Disenchanted Allies* writes that when Bhutto met Nixon he told him that Pakistan was "completely in debt of the United States during the recent trying days" and he was assured by Nixon of full support by the United States in the form of humanitarian and economic assistance, with military assistance being the most difficult one due to congressional 'attitudes,' Kux, 204-205. Yahya had summoned Bhutto home while he was at the UNGA session and Bhutto was aware of his transfer of power plans.

Being an astute politician and an opportunist, Bhutto did not waste any time in letting Nixon know that he was now going to be at the helm of affairs and that he was willing to change his ways. This sudden change in his attitude was not due to newly found love for the United States but was purely interest-based for Bhutto knew that for his presidency to be successful, support from the United States, economic, humanitarian and most importantly military, was a must. For the complete account of the meeting between Bhutto and Rogers see Telegram 227784 from the State Department to the Embassy in Pakistan, Dec 18, 1971, National Archives, Record Group 59, Central Files 1970-73, POL 15-1 PAK, *FRUS*, 1969-1976, Vol. E-7, Documents on South Asia, 1969-1972

13. Not all appointments were made on Aug 9, 1974. With the exception of Henry Kissinger who continued to serve as the Secretary of State throughout Ford's presidency, Donald H. Rumsfeld succeeded James R. Schlesinger as Secretary of Defense on Nov 20, 1975, Brent Scowcroft succeeded Kissinger as National Security Advisor on Nov 3, 1975, George H.W. Bush succeeded William Colby as Director of CIA on January 30, 1976 and Dick Cheney succeeded Donald Rumsfeld as the White House Chief of Staff on Nov 21, 1975.

14. As early as October 7, 1971 after having attended the UN-sponsored conference on peaceful uses of nuclear energy, I.H. Usmani, the chairman of PAEC told press reporters in Karachi, Pakistan, that "India is going to go nuclear and she will explode a nuclear device ostensibly for a peaceful purpose, but actually to demonstrate her capability to manufacture an atomic bomb," *DAWN*, October 7, 1971. Therefore, the Indian nuclear test in 1974 did not surprise Pakistan. Bhutto's subsequent Multan meeting with Pakistani scientists in1972 was an attempt to put Pakistan on the path of nuclearization given that India was already decades ahead at that time.

15. Indian and Pakistani nuclear decision-making is not discussed in this book. For an excellent account of the Indian nuclear development and decision-making see George Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley, CA: University of California Press, 1999) and for the history of Pakistan's nuclear development see Feroz Hassan Khan, *Eating Grass*, 2012

16. Although Pakistan's negotiations with France for the plutonium reprocessing plant resulted in signing of a contract for sharing of reprocessing plant designs between the two countries in March 1973, it is pointed out here that Pakistan's intelligence in predicting Indian nuclear ambitions was advanced and accurate thereby allowing it to strategize ahead of time. The timeliness is also true for Pakistan's international nuclear diplomacy. When Bhutto inaugurated the Karachi nuclear power plant in 1972, he publically proposed a nuclear weapons-free zone in South Asia two years before India's PNE. For an introduction to Pakistan's early nuclear decision-making see Kapur, 1980.

17. In his press conference in Lahore on May 19, 1974, Bhutto criticized the Indian nuclear testing and pledged to continue development of Pakistan's nuclear program, for the complete text of Bhutto's address see *DAWN*, May 20, 1974

18. Khan, Eating Grass, 120

19. Munir Ahmed Khan, "Development and Significance of Pakistan's Nuclear Capability," in Hafeez Malik, ed., *Pakistan: Founder's Aspirations and Today's Realities* (Karachi: Oxford University Press, 2001), 155, quoted in Khan, *Eating Grass*, 121

20. Military Supply for Pakistan, Secret Memorandum of Conversation, June 3, 1974, 8pp, Kissinger Transcripts, KT01215

21. Bernard Weintraub, "India says U.S. reopens wounds by lifting curb on aid to Pakistan," *New York Times* (1923-Current File), 27 February 1975

22. Kux, 218

23. "Arms Supplier," *New York Times* (1923-Current File), Feb 26, 1975, pg.38 retrieved from http://search.proquest.com.er.lib.k-state.edu/docview/120478745?accountid=11789 accessed on Aug 20, 2014

24. The U.S. Arms Control and Disarmament Agency was created in 1961. Its mission was to "strengthen national security by formulating, advocating, negotiating, implementing, and verifying effective arms control, nonproliferation, and disarmament policies, strategies, and agreements." ACDA's director acted as a "principal adviser to the President,

National Security Adviser and the Secretary of State on arms control, nonproliferation and disarmament matters." Therefore, Ikle's insight on the subject of developing non-proliferation linkages with military aid was critical for the formulation of U.S. foreign aid policy towards Pakistan. In 1997, ACDA was merged into the State Department, for details on the agency see http://www.state.gov/1997-2001-NOPDFS/global/general_foreign_policy/rpt_981230_reorg5.html

25. Memorandum for the Secretary of State from Director ACDA, Fred C. Ikle, January 30, 1975, National Security Adviser-Presidential Transition File, 1974, Subject File: Issue Papers (1), Box 1, Gerald R. Ford Library, Ann Arbor, MI
26. U.S. Policy on Military Supply for South Asia, Memorandum for The President from Secretary of State, February 1, 1975, National Security Adviser, Presidential Briefing Material for VIP Visits, 1974-1976, VIP Visits: 2/5/75-Pakistan-Prime Minister Bhutto (1) Box 6, Gerald R. Ford Library, Ann Arbor, MI
27. Kux, 219, provides the account of a briefing paper on Pakistan's nuclear ambitions submitted to Kissinger by Alfred Atherton, assistant secretary of state for the Neat East and South Asia.
28. Kissinger also proposed to Ford that those items to Pakistan that had been suspended due to existing embargo could also be considered for release such as "up-gunning of Pakistan's M-47 and M-48 tanks, military helicopters and MK-55 torpedoes." Bhutto had told Kissinger that he had $90 million available for arms purchases and Kissinger anticipated this amount would increase over time since Pakistan had generous oil-producing donors.
29. The participants of the meeting from Pakistan side were: PM Bhutto, Aziz Ahmed, Minister of State for Defense and Foreign Affairs, Agha Shahi, Foreign Secretary and Ambassador Yaqub Khan and from the U.S. side: President Ford, Secretary of State Henry Kissinger, Ambassador Henry Byroade, and Lt. Gen. Brent Scowcroft, Deputy Assistant to the President for National Security Affairs.
30. Memorandum of Conversation, Ford-Bhutto Meeting, February 5,

1975, p.6, The White House, National Security Adviser Memoranda of Conversation 1973-1977, Box 9, Gerald R. Ford Library, Ann Arbor, MI

31. Memorandum of Conversation, February 5, 1975, The White House, National Security Adviser Memoranda of Conversation Collection, Box 9, Gerald R. Ford Library, Ann Arbor, MI
32. Ford sees Bhutto and hints U.S. may ease Pakistan arms curb, *New York Times*, Feb 06, 1975 (1923-Current File)
33. "Excerpts from Bhutto's Press Conference, February 5, 1975," cable from Secretary of State to American Embassy Islamabad, February 8, 1975, File: U.S.-Pakistan, Bhutto 1975 Visit, Presidential Briefing Material for VIP visits 1974-1976, Pakistan PM Bhutto (1), Box 6, Gerald R. Ford Library, Ann Arbor, MI
34. 'Lethal' weapons were not categorized in the official U.S. announcement. It was however discussed in the reviews leading up to the official announcement that initially only defensive military equipment requests from Pakistan and India would be accepted such as anti-aircraft or anti-tank weaponry.
35. U.S. Military Supply Policy to Pakistan and India, National Security Memorandum 289, The White House, March 24, 1975, Box 1, National Security Adviser Study Memoranda, Gerald R. Ford Library, Ann Arbor, MI
36. Bhutto's first letter on Soviet foreign policy in South Asia to Ford and Kissinger was sent on 13 June 1975 and the second letter to the President was sent on Aug 17, 1975. In the margins of the copy of Bhutto's second letter, Rosemary Niehuss, NSC Staffer, in her memorandum to General Scowcroft, National Security Adviser, Aug 23, 1975 wrote: "This is a recast of a recent message to Byroade-that Paks have "definitive proof" of Soviet support for Afghan territorial ambitions on Pakistan and that this is a major change in the Soviet position. Both our embassies in Kabul and Islamabad noted the low level of the Sov-Afghan exchange, concluded account was exaggerated and surmised it was Pak lead-in to pressing for US arms." Pakistan-Prime Minister Bhutto (2), National Security Adviser-Presidential Correspondence with Foreign Leaders, Box 3, Gerald R. Ford

Presidential Library, Ann Arbor, MI

37. Memorandum of Conversation between Secretary of State, Henry Kissinger and Aziz Ahmed, Minister of State for Foreign Affairs Pakistan, Sep 30, 1975, Pakistan-Prime Minister Bhutto (2), National Security Adviser-Presidential Correspondence with Foreign Leaders, Box 3, Gerald R. Ford Presidential Library, Ann Arbor, MI
38. B.Z. Khasru, *The Bangladesh Military Coup and the CIA Link* (New Delhi: Rupa Publications, 2014)
39. This table has been compiled using various sources. For a detailed historical overview of the progress of Pakistan's nuclear program see Ashok Kapur, *Pakistan's Nuclear Development* (New York: Croom Helm, 1987); Shahid-ur-Rehman, *Long Road to Chagai* (Islamabad: Print Wise, 1999) and; Feroz Hassan Khan, *Eating Grass: The Making of the Pakistani Bomb* (Stanford CA: Stanford University Press, 2012)
40. Patrick Keatley, "The Brown Bomb," *Guardian* (Manchester), March 11, 1965
41. "*Morning News,* Karachi, 22 October 1975," quoted in Samina Ahmed, "Franco-Pakistan Relations-II: The Issue of The Nuclear Reprocessing Plant," *Pakistan Horizon,* Vol. 31, No.1 (First Quarter, 1978), pp.35-70, p.36
42. Ashok Kapur in his article, "A Nuclearizing Pakistan: Some Hypotheses*,"* analyzes Bhutto's failure to convince Ayub Khan or Yahya Khan to nuclearize Pakistan. According to Kapur, Bhutto was playing "second fiddle to Ayub and Yahya. Gaining political power for himself was more important than winning the Pakistani nuclear debate. The nuclear issue was useful in his quest for power because the issue enjoyed obvious public support and high public visibility, but Bhutto did not really want to nuclearize Pakistan's strategy. He wanted to build the image of Pakistan's nuclear diplomacy and to utilize the nuclear issue to build his nationalist credentials," *Asian Survey*, Vol.20, No.5 (May, 1980), pp. 495-516: 501
43. 'Pride, honour at all costs to be redeemed, Scientists' role vital, says Bhutto,' *DAWN,* January 21, 1972

44. Feroz Hassan Khan in his account of the Multan meeting argues that contrary to popular belief, there was nothing 'secret' about this meeting. Based on his interviews with some participants of the meeting, it is revealed that it was a public meeting and anybody was welcome to attend it. Even though Bhutto never used the word 'bomb' during the meeting, there was complete consensus amongst the participants of the Multan meeting that Pakistan needed to build a nuclear weapons capability. For details about the initial phase of Pakistan's nuclear program see chapter 4 of Khan's book titled, *Eating Grass: The Making of the Pakistani Bomb* (Stanford CA: Stanford University Press), 2012, pp 68-92
45. Speech by Munir Ahmed Khan, Chaghi Medal Award Ceremony, March 20, 1999
46. Khan, *Eating Grass*, p.54-55
47. Duane Bratt, *The Politics of CANDU Exports* (Toronto: Toronto University Press, 2006), 145
48. Munir Ahmed Khan, 1999
49. Khan, 131
50. Bratt, 145
51. Ibid, 146
52. Ibid, 148
53. Shuja Nawaz, *Crossed Swords: Pakistan, Its Army, and The Wars Within* (Oxford: Oxford University Press, 2008), 341. There was incredible organizational rivalry between the PAEC and The Kahuta Labs that was running the Kahuta enrichment plant on the ownership of Pakistan's national nuclear program. Although Pakistan was pursuing both the plutonium and the enrichment route, it was the enrichment route that accelerated Pakistan's nuclear weapons program. Moreover, the role of A.Q. Khan as 'Father of the Bomb' is both exaggerated and contested in the literature on Pakistan's nuclear program. For a detailed historical overview of the PAEC-Khan rivalry see Feroz Khan, *Eating Grass*. Khan in his book also sets the record straight about the critical and underappreciated role of Munir Ahmed Khan, chairman PAEC who was the real father of the bomb.

On Khan's nuclear supply network see Gordon Corera, *Shopping for The Bombs: Nuclear Proliferation, Global Insecurity And The Rise and Fall of The A.Q. Khan Network* (Oxford: Oxford University Press, 2006)

54. Mansoor Ahmed, *Pakistan's Nuclear Programme: Security, Politics and Technology,* unpublished PhD Dissertation, Chapter 6, "Nuclear Fuel Reprocessing and Plutonium Production," p.25, School of Politics and International Relations, Quaid-i-Azam University, Islamabad

55. Approach to Pakistan concerning sensitive nuclear facilities, Telegram from Department of State to American Embassy in Pakistan, Under Secretary Sisco's meeting with Ambassador Yaqub Khan, February 19, 1976, National Security Adviser Files, NSC Staff Files for Middle East and South Asian Affairs: Convenience Files, Box 20, Pakistan (1), Gerald R. Ford Presidential Library, Ann Arbor, MI

56. Letter to Bhutto on Pakistani Nuclear Issues, Memorandum-Action 1625 for the President from Brent Scowcroft, March 19, 1976, Kissinger-Scowcroft West Wing office files: General subject file, National Security Adviser, Presidential Correspondence with Foreign Leaders, 1974-1977, Box 3, Gerald R. Ford Presidential Library, Ann Arbor, MI

57. President Ford's letter to PM Bhutto, March 17, 1976, National Security Adviser Files, NSC Staff Files for Middle East and South Asian Affairs: Convenience Files, Box 20, Pakistan (2), Gerald R. Ford Presidential Library, Ann Arbor, MI

58. Bhutto's letter to Ford, March 30, 1976, National Security Adviser, Presidential Briefing Material for VIP visits, 1974-76, VIP visits, 2/5/75-Pakistan-PM Bhutto (1), Box 6, Gerald R. Ford Presidential Library, Ann Arbor, MI

59. Proposed Cable to Tehran on Pakistani Nuclear Reprocessing, Memorandum of Conversation, May 12, 1976, Document 3, National Archives, Records of the State Department, Record Group 59, Office of the Counselor, 1955-1977, Box 3, Chron-Official April-June 1976

60. Memorandum of Conversation, "Pakistani Reprocessing Issue," Department of States, July 9, 1976, National Archives, Record Group 59,

Central Foreign Policy Files, Confidential, Nodis. FRUS, 1969-1976, Vol E-8, Documents on South Asia, 1973-1976, Document 231

61. "Kissinger's Interim Decisions Regarding Pakistan's Nuclear Acquisition," Memorandum from David Elliott and Robert Oakley of National Security Council Staff to the President's Assistant for National Security Affairs, Brent Scowcroft, July 12, 1976, National Security Adviser Files, Presidential Country Files for Middle East and South Asia, Box 27, Pakistan (6), Gerald R. Ford Library, Ann Arbor, MI

62. Pakistan and Nonproliferation, Telegram Department of States, From American Embassy Islamabad to Secretary State, 07 April, 1976, National Security Adviser Files, Presidential Country Files for Middle East and South Asia, Box 27, Pakistan, State Department Telegram to Secretary of State, Nodis (3)

63. Bhutto and Ambassador discuss nuclear proliferation issue, Telegram to State Dept from American Embassy Islamabad, June 4, 1976, National Security Adviser, Presidential Transition File-1974, Subject File: Issue Papers (1), Box 1, Gerald R. Ford, Presidential Library, Ann Arbor, MI

64. NSSM 166: Review of U.S-French Bilateral Issues, Secret, Report, January 17, 1973, 65 pp, Confidential Directives, Part II, DNSA

65. National Security Decision Memorandum 255, Henry Kissinger to Secretary Defense et al., "Security and Other Aspects of the Growth and Dissemination of Nuclear Power Industries," 3 June 1974, secret, Digital National Security Archive

66. "U.S. Non-proliferation Policy," Secret, Report, Excised Copy, NSSM 202 Related, May 23, 1974, Presidential Directives, Part II, United States NSC NSSM 202 Study Group, DNSA

67. "State Department telegram 90533 to US Embassy Paris, "Exploratory Meeting of Nuclear Suppliers," April 19, 1975, History and Public Policy Program Digital Archive, State Department releases from P-reels. Obtained and contributed by William Burr retrieved from http://digitalarchive.wilsoncenter.org/document/119791

68. Statement of George Vest, Director Bureau of Politico-Military Affairs,

Department of State on non-proliferation issues before the Senate Foreign Relations Committee, March 15, 1976

69. "Pakistani Nuclear Facilities," Telegram 59655, From Department of State to the Embassy of France, Secretary of State to French Foreign Minister, Jean Sauvagnargues, March 11, 1976, National Archives, Record Group 59, Central Foreign Policy Files, 1976, FRUS, 1969-1976, Volume E-15, Part 2, Documents on Western Europe, 1973-1976, Document 334
70. Ibid. March 16, 1976, Sauvagnargues's reply to Kissinger, Cited in footnote 1, (Records of the Office of the Counselor, Helmut C. Sonnenfeldt, 1955-1977, Entry 5339, Box 9, POL2, France)
71. "FRG Heavy Water Plant Sale for Pakistan," American Embassy, Bonn telegram to State Dept, 9 Oct 1975, Wikileaks Cable
72. "Pakistani Nuclear Facilities," Telegram 59654 from Dept of State to the Embassy in the Federal Republic of Germany, March 11, 1976, National Archives, RG 59, Central Foreign Policy Files, 1976, FRUS, 1969-1976, Vol E-15, Part 2, Documents on Western Europe, 1973-1976, Document 295
73. RG:57/a-36-20, Foreign Trips-Codel Ribicoff/Baker, Briefing Materials, Nov 1976 (part 1), Glenn Archives, Ohio State University, OH
74. For Kissinger's consultations with other supplier countries see William Burr, National Security Archive Electronic Briefing Book No. 467 and Nuclear Proliferation and French Nuclear History collections of the Nuclear Proliferation International History Project, Digital Archives, Wilson Center
75. "Nuclear Weapons Proliferation and The International Atomic Energy Agency," Analytical Report prepared for the Committee on Government Operations, U.S. Senate by the Congressional Research Service, Library of Congress, March 1976, 94th Congress, 2d session, Committee Print
76. "Nuclear Suppliers: Status Report," Briefing Memorandum to the Secretary of State from George Vest, January 27, 1976, National Security Archive Electronic Briefing Book No. 467
77. Inventory of the Records of the Joint Committee on Atomic Energy 1947-

1977, Record Group 128, National Archives and Records Administration, DC

78. First annual report to the United States Congress by the Joint Committee on Atomic Energy pursuant to Section 202(b) of the Atomic Energy Act as amended, June 30, 1975 retrieved from http://sul-derivatives.stanford.edu/derivative?CSNID=00002028&mediaType=application/pdf, p.5
79. JCAE report p.3
80. JCAE report p.4
81. JCAE report p.9
82. S.Res.221 relating to international cooperation in strengthening safeguards of nuclear materials," Bill Summary and Status, 94th Congress (1975-1976), CRS Summary, The Library of Congress "94th Congress: Legislation on Nuclear Proliferation," 3874 Symington Papers, Subject: George, Ben. W Memos, 1976 (5 of 6), Box 281, Stuart Symington Papers, State Historical Society Missouri, Kansas City, MO
83. "French Nuclear Spread," *The New York Times*, Oct 29, 1975
84. Statement by Secretary Kissinger on U.S. Nonproliferation Strategy before Senate Committee on Government Operation, on March 9, 1976, pp 405-407, *Department of State Bulletin*, March 29, 1976, pp. 405-411 retrieved from http://www.fordlibrarymuseum.gov/library/document/dosb/1918.pdf#page=23
85. Leslie H. Gelb, "Issue and Debate: Conflict Continues over U.S. effort to Halt the Spread of Nuclear Weapons," *The New York Times*, Aug 24, 1976, pg.4
86. Abraham A. Ribicoff, "Trading in Doom," *The New York Times* (1923-Current File), Friday March 26, 1976
87. Statement by Senator Stuart Symington, in the U.S. Senate, "The Nuclear March to Armageddon," April 14, 1976, Congressional Record, Apr 14, 1976, pg. S 5720
88. H.R. 13689 (94th Congress, 1975-1976), Text of the International Security Assistance and Arms Exports Control Act, U.S. Government Printing Office

89. Leslie H. Gelb, "Nuclear Proliferation and the Sale of Arms," *The New York Times*, *Aug 11, 1976* New York Times (1923-Current File)

90. According to Hersman and Peters "the United States was South Korea's largest trading partner and held billions of dollars of its foreign debt, Washington could have inflicted tremendous economic pain on Seoul" (pg.541). Several reasons contributed to ROK's insecurity vis-à-vis its relationship with the U.S. that pushed it towards seeking an independent nuclear weapons option. In the early 1970s the United States decided to withdraw troops from the ROK and over a period of several years, the strength of U.S. troops reduced considerably. Second, the U.S. rapprochement with the Chinese during the Nixon administration led the Koreans to believe that perhaps the U.S. commitment towards Taiwan was weakening and that they were next. (pg. 540-541). Rebecca K.C. Hersman and Robert Peters, "Nuclear U-Turns: Learning from South Korean and Taiwanese Rollback," *Nonproliferation Review,* Vol. 13, No. 3, November 2006. Park Chung Hee, President of ROK, warned the United States in 1975 that if the U.S. removed its nuclear umbrella from Korea, ROK would have no option but to develop nuclear weapons. The Ford administration temporarily succeeded in halting ROK's progress towards nuclear weapons and the final cancellation of French-ROK reprocessing plant was signed on January 26, 1976 (citation from Korean archives quoted in Chapter 1: Heavy and Chemical Industrialization, 1973-1979: South Korea's Homeland Security Measures," footnote.36, p.40 of Hyung-A Kim and Clark W Sorensen, *Reassessing the Park Chung Hee Era, 1976-1979: Development, Political Thought, Democracy, And Cultural Influence* (University of Washington: Center for Korea Studies), 2011

91. Dennis Kux, *The United States and Pakistan 1947-2000: Disenchanted Allies* (Baltimore: Johns Hopkins University Press), 2001, p.223

92. Toast by Secretary Kissinger, Lahore Pakistan, August 8, 1976, *Department of State Bulletin*, September 6, 1976, p.318, Public Papers of Secretary of State Henry Kissinger, August 1974-January 1977, Digital Link 1941-15

93. News Conference by Secretary Kissinger, Lahore, August 9, 1976 *Department of State Bulletin*, September 6, 1976, p.320, p321, Public Papers of Secretary of State Henry Kissinger, August 1974-January 1977, Digital Link 1941-05

94. Zulfiqar Ali Bhutto, *If I am Assassinated* (New Delhi: Vikas Publishing House), 1979, p.138

95. Aziz Ahmed quoted in Samina Ahmed, 1978, footnote.16, p. 39

96. Weisman and Krosney, *The Islamic Bomb*, 163

97. Samina Ahmed, footnote 16, p.39

98. Nuclear Reprocessing-A-7 Sales: Call by Pakistani Ambassador, State Department Telegram from Secretary State to American Embassy, Islamabad, 8 Sep 1976 prepared by NEA/Atherton, Presidential Country Files for the Middle East and South Asia: Country Files: Pakistan (4) Box 27

99. "The Pakistan Nuclear Reprocessing Issue," Secret, Memorandum of Conversation, September 11, 1976, 4pp, Kissinger Transcripts, National Archives, Record Group 59, Department of State Records, Records of Henry Kissinger, 1973-1977, Box 18. NODIS Memcons, Sept 1976 (Folder 2)

100. David Burnham, "U.S. challenged over India blast," The New York Times, 11 June 1976:9, New York Times (1923-Current File)

101. National Security Council Memorandum from David Elliott to Brent Scowcroft, July 19, 1976, Presidential Country Files for the Middle East and South Asia, Country Files: India (4), Box 12, Gerarld Ford Presidential Library, Ann Arbor, MI

102. Flora Lewis, "A Case Study of One Nuclear Deal: France and Pakistan," The New York Times, Nov 14, 1976, p.175, New York Times (1923-Current file)

103. "France to pursue Nuclear Deal with Pakistan Fought by U.S.," The New York Times, Aug 26, 1976, p.12, New York Times (1923-Current file)

CHAPTER 2

CARTER ADMINISTRATION'S NON-PROLIFERATION POLICY TOWARDS PAKISTAN

Overview

The Carter administration inherited two unresolved Pakistan specific issues from the Ford administration. First, Pakistan's nuclear ambitions and second, a pending decision on the sale of 110 A-7 attack aircraft to Pakistan. Carter won the presidential election on the promise of changing the face of U.S. foreign policy on global issues such as nuclear non-proliferation, human rights and a restraint on U.S. arms-sales to Third World countries and Pakistan did not fare well on any of these issues during the Carter years.

Thomas Thornton, who served on Carter's North-South desk in the National Security Council, in his 1982 article succinctly summed up Carter's foreign policy towards Pakistan in these words,

> "when Carter assumed office in 1977, Pakistan loomed fairly small on the policy horizon…Pakistan's geographical location was of dwindling interest to the United States since Iran had become the U.S. listening post and, along with Saudi Arabia, the principal support of U.S. interests in West Asia. The United States

> was seeking to negotiate itself and the Soviets out of the Indian Ocean power race. Pakistan's other key asset in its relations with the United States in the Nixon years had disappeared since Washington now had direct access to China…. Pakistan thus occupied a midpoint on the scale of American policy interest. It was not important enough to compel the United States to change its global priorities to fit Pakistani interests (as could, say, Japan), but Islamabad is better able than most other nations to parry American pressures.[1]

This was the true picture of Pakistan's position on the geo-political landscape for the U.S. when Carter took office. However, it was not entirely that pessimistic. Bhutto's resistance against considerable U.S. pressure by the Ford-Kissinger administration in canceling the Franco-Pak plutonium reprocessing deal was an obvious example of Thornton's assessment about Pakistan being capable of deflecting American pressures. Pakistan's worst fears about the U.S. came true during the first two years of the Carter administration. The Carter administration took some steps that worried the Pakistanis about the Democrats actually making a 'horrible example' of Pakistan. Following are the six developments that contributed to Pakistan's sense of victimization during the Carter years:

First, as a demonstration of his restrictive arms supply policy, Carter denied Pakistan the sale of 110 A-7 aircraft in 1977. Denial of the much-desired attack aircraft that was critical for Pakistan's military modernization had followed Bhutto's removal from power in a military coup in July 1977. Bhutto's removal only reinforced the sense that he was punished for standing up to the U.S. pressure. Even though the administration maintained that

the denial of advanced aircraft to Pakistan was part of its strategy to curtail the arms race in the region by not introducing offensive technology, the signaling, however, suggested that Pakistan was denied key military equipment for not canceling the Franco-Pak reprocessing agreement as per the U.S. request.

Second, the credibility of Carter's non-proliferation commitment was challenged by two developments overseas: a) West Germany supplied full nuclear fuel cycle to Brazil, a non-NPT state and the deal was not opposed by the United States unlike the Franco-Pak deal and b) Japan was provided a two-year exemption from a reprocessing ban by the U.S. even though Carter was facing domestic opposition to his policy against domestic reprocessing of plutonium. Both these developments were carefully followed by the GOP and did not bode well for Carter's credibility and seriousness about non-proliferation issues. Moreover, since the pressure on Pakistan continued during this time to cancel the French reprocessing plant deal, it was seen as 'selective targeting' of Pakistan by the administration.

Third, in 1977, the U.S. Congress passed a nuclear non-proliferation legislation called the Glenn Amendment, threatening suspension of U.S. military and economic assistance to those countries that were running unsafeguarded uranium enrichment and plutonium reprocessing programs and had ambitions to conduct nuclear explosions. Pakistan believed that the Glenn Amendment was a Pakistan-specific amendment providing the Carter administration necessary leverage to negotiate Pakistan's nuclear future much like the Symington amendment was used by Ford-Kissinger administration to invoke the fear of sanctions.

Fourth, added to Pakistan's insecurity was Carter's *tilt* towards India to improve Indo-U.S. relations and his determination to continue the supply of enriched uranium for the Indian Tarapur plants while keeping a check on Pakistan's nuclear development. This led Pakistan to believe that the dichotomy in U.S. actions towards India and Pakistan, as was witnessed during the Ford administration, was still the standard U.S. policy.

Fifth, the pressure on Pakistan and France to cancel the reprocessing plant agreement finally resulted in the cancellation of the deal by France in 1978. It was a huge setback for Pakistan's nuclear development but a triumph for the Carter administration. Even though General Zia-ul-Haq, who had deposed Bhutto's government the previous year, was confident about the success of Pakistan's clandestine uranium enrichment program to deliver the bomb, cancellation of the reprocessing plant in 1978 considerably slowed down Pakistan's progress of plutonium reprocessing.

Sixth, despite the French cancellation of its longstanding reprocessing plant deal in 1978, Pakistan continued its nuclear weapons development program. U.S. intelligence on Pakistan's uranium enrichment program in unsafeguarded facilities automatically triggered the Symington amendment leading to the suspension of military and economic assistance to Pakistan in April 1979.

Fortunately for Pakistan things changed in 1979 – the year of profound regional changes – compelling the Carter administration to transform its attitude towards Pakistan. First, the Islamic Revolution in Iran in February 1979 meant the loss of listening

posts for the United States making Pakistan an obvious choice to replace Iran due to its proximity to the Soviet Union. However, the situation only evolved to benefit Pakistan later that year. Second, the Soviet invasion of Afghanistan in December 1979 brought the U.S. containment policy back on the foreign policy board that had been eclipsed by Carter's 'other' global priorities in his first two years in office. In order to enlist Pakistan to meet its Cold War policy objectives, the Carter administration lifted non-proliferation sanctions against Pakistan and resumed military and economic relationship with Gen. Zia's military regime.

Carter's Non-Proliferation Policy

The Campaign

James Earl Carter Jr., a naval nuclear engineer and former governor of Georgia, became the 39th President of the United States and assumed office on January 20, 1977. With Walter Mondale as the Vice President, Cyrus Vance as the Secretary of State, Zbigniew Brzezinski as the National Security Adviser, Stansfield Turner as the director of CIA and Harold Brown as the Secretary of Defense, Carter's national security and foreign policy team was impressive. Much like Kissinger's stamp on foreign policy during the Ford administration, commentary on the Carter years places Brzezinski at the heart of Carter's foreign policy elite, 'tutoring' the President on international affairs. Carter's dependence on Brzezinski created rifts between his National Security Adviser and the Secretary of State over differences of opinion about the direction of Carter's Soviet policy.

Betty Glad introduces Brzezinski as a 'hard-line Cold-Warrior at

heart' who moved Carter in an anti-Soviet direction advising him to adopt confrontational policies in opposition to Vance's non-confrontationist approach.[2] But there was minimal conflict within the administration towards Carter's South Asia policy and efforts to stop Pakistan from acquiring nuclear weapons. With the end of the Indira Gandhi's government in India and end of Bhutto's era in Pakistan followed by a martial law regime, Carter's tilt towards India was visible. However, the administration had to make some tradeoffs on its non-proliferation policy towards Pakistan to gain some foreign policy objectives after the Soviet invasion of Afghanistan in 1979.

Carter's election campaign centered around three major foreign policy issues: human rights, arms control and non-proliferation. Carter had an idealistic vision of a world where governments, instead of spending money on buying conventional weapons or developing nuclear weapons, would invest in human development to eradicate poverty. Therefore in his campaign, he tied the promotion of human rights to the issue of arms control. But his policy record reveals that Carter was unable to "compartmentalize policies" and compromised on issues related to human rights, arms control and non-proliferation. [3]

Non-proliferation as a foreign policy priority early on became part of his election campaign. On May 13, 1976 Carter delivered a speech in a conference on Nuclear Energy and World Order sponsored by the UN, which served as a premiere for his non-proliferation policy. Carter warned the world against the risks of nuclear power, focusing on issues related to radioactive damages resulting from malfunctioning power reactors, hazards related

to storage of radioactive wastes and terrorists attempting to steal plutonium threatening nuclear violence. He reminded the NWS parties to the NPT of their treaty obligations "to pursue negotiations in good faith to reach agreement to control and reduce the nuclear arms race." Carter called for a global moratorium on the "national purchase or sale of enrichment or reprocessing plants" and vehemently argued against the agreements for sale of nuclear facilities by supplier countries other than the United States.[4] Although he did not name any country, the statement was a reference to the Franco-Pak reprocessing agreement and West Germany's nuclear agreements with Brazil. He was more direct in his second election debate with President Ford on October 7, 1976 on foreign and defense policy issues. Carter as the Democratic Presidential candidate censured Ford for his 'absence' of leadership on foreign policy issues, calling Kissinger the 'long lone ranger' conducting foreign policy in secrecy with a dismal record on non-proliferation. Carter rated proliferation of atomic weapons as the number one threat to humanity and criticized Ford for not being able to convince France and Germany to cancel their reprocessing agreements with Pakistan and Brazil.[5] A month later, as president-elect of the United States, the time had arrived for him to deliver on his campaign commitments.

1977: Establishing Non-Proliferation Credentials

Carter reorganized the NSC making it the "principal forum for international security issues requiring Presidential consideration" assisting the president in "analyzing, integrating and facilitating foreign, defense, and intelligence policy decision." He established two NSC committees: a) Policy Review Committee (PRC) under the chairmanship of Secretary Vance of the State Department for

foreign, defense, intelligence and international economic issues and b) Special Coordinating Committee (SCC) under chairmanship of the NSA (Brzezinski) for arms-control evaluation, oversight of intelligence activities or covert ops and crisis management.[6] Brzezinski became the first NSA to chair a NSC committee, the SCC, and would prepare "the Presidential Review Memos (PRMs) that directed the NSC to look into certain matters."[7] Non-proliferation was one such matter on which several Presidential Directives (PDs) and Presidential Review Memoranda (PRMs) were issued. On January 21, 1977 a PRM, (PRM/NSC 15) was issued on the administration's non-proliferation policy. According to the memorandum, the President directed the Department of State's Policy Review Committee to "undertake a thorough review of U.S. policy concerning nuclear proliferation" and provide the president both short and long-term non-proliferation policy options.

In another PD (PD/NSC-8) issued on March 24, 1977, Carter identified the objectives of the U.S. nuclear non-proliferation policy directed at "preventing the development and use of sensitive nuclear power technologies which involve direct access to plutonium, highly enriched uranium or other weapons usable material in non-nuclear weapons states, and at minimizing the global accumulation of these materials." Carter called upon all nuclear suppliers and recipient nations to "actively participate in, an intensive International Nuclear Fuel Cycle Evaluation Program (INFCEP) whose technical aspects shall concern the development and promotion of alternative, non-sensitive, nuclear fuel cycles."[8] The directive reiterated U.S. support for strengthening the non-proliferation regime by encouraging states to join the NPT, adhere

to the IAEA safeguards and sanctioning nations found in violation of nuclear agreements. Carter announced that the U.S. would "terminate nuclear cooperation with any non-nuclear weapons state that hereafter detonates or demonstrably acquires a nuclear explosive device; or terminates or materially violates international safeguards or any guarantees it has given to the United States."[9]

Carter's decision to indefinitely defer plutonium reprocessing (an extension of Ford's decision to temporarily halt plutonium reprocessing) was influenced by the findings of the Ford-MITRE study. The study, funded by the Ford Foundation, was undertaken by a panel of twenty-one scientists and economists headed by Spurgeon M. Keeny Jr., director of Washington operations of the MITRE Corporation (later the Deputy Director of Arms Control Agency). The panel of experts also included Secretary of Defense, Harold Brown and Dr. Joseph Nye, the Undersecretary of Security Assistance in the State Department, both skeptics of the omnipotence of nuclear power. The study singled out nuclear proliferation as the direst consequence of nuclear power and recommended "a large number of different approaches, including intensive new diplomatic efforts to assure the rest of the world adequate supplies of uranium for conventional reactors and of the United States policy decision to abandon the use of plutonium for at least the next few decades."[10]

Concerned about international implications of Carter's policy on reprocessing, Robert Fri, acting administrator of Energy Research and Development Administration (ERDA) wrote a confidential letter to Brzezinski sharing his agency's assessment. Fri advocated that it was, "essential that the United States not be perceived

as now advocating a strategy of permanent denial of sensitive materials or equipment to the non-nuclear weapons states." Fri stated that several Western European countries and Japanese were "stressing that reprocessing is important to their desires to achieve greater energy independence and to their avowed intentions to proceed with the breeder." Given that the U.S. was already having problems convincing countries like Brazil, France, FRG, Pakistan, Iran and others, Fri feared that the United States "may face increasing isolation if it is perceived as favoring a regime that would reserve the major fruits of nuclear advancement to the nuclear powers." And to counter any negative perception in the international community, ERDA strongly supported Carter's idea "in developing an international evaluation program that would be designed to consider the merits of reasonable alternatives to commercial reprocessing."[11]

In a major foreign policy announcement on April 7, 1977, Carter appealed to other countries to join the United States in stopping the spread of nuclear weapons by rejecting the use of plutonium to fuel nuclear reactors. However, Carter was cautious of appearing to twist the arms of Britain, France, West Germany and Japan to abandon their reprocessing plants projects and stated, "we are not trying to impose our will…but I hope, that by this unilateral action, we can set a standard."[12]

Carter announced his national energy policy before a joint session of Congress on April 20, 1977. He emphasized that there was "no need to enter the plutonium age by licensing or building a fast-breeder reactor[13] and asserted that the United States should increase its "capacity to produce enriched uranium fuel for light-water

nuclear power plants, using the new centrifuge technology, which consumes about 1-10th of the energy of existing gaseous diffusion plants." In his speech, Carter also called for the establishment of the Department of Energy (DOE) to implement his national energy program.[14] Through this speech, Carter presented the United States as a model for other countries to emulate (echoing his April 7th statement), urging them to seek alternative fuel cycle approaches to plutonium reprocessing and discouraged supplier nations to export reprocessing technologies to countries that did not respect non-proliferation values.

Carter's expertise as a nuclear engineer gave him familiarity with nuclear technology and energy issues, however, several advisers influenced Carter's views on nuclear energy resulting in the policies adopted by the administration. According to Dr. James Schlesinger, former chairman of the AEC and Carter's Secretary of Energy (1977-79), "he [Carter] had been worked on very hard on the issue of breeder reactors, as the epitome of evil in the energy area; and he was being worked on not only by the outsiders, the Ralph Naders and the like, but by people in the NSC, including Zbig Brzezinski… he would talk at some point about this tendency that he had of making himself prominent on issues in a way that earned enmity of special interest groups. The whole nuclear industry just went on hating Jimmy Carter from 1977 on and it need not have been that way."[15] Schlesinger was right. Not only did Carter manage to create unnecessary controversy on his reprocessing policy at home, he angered his allies overseas as well. Two major controversies arose internationally in the first year of Carter's presidency that resulted in compromises which, in turn, sent mixed signals to countries like Pakistan over the credibility

of Carter's non-proliferation commitments: one was over the FRG-Brazilian nuclear deal and the other was on the Japanese reprocessing plant.

The FRG-Brazilian Nuclear Deal

The FRG-Brazil nuclear deal for the export of full nuclear fuel cycle to Brazil had been an irritant in U.S.-German relations since the Ford administration. Carter's strong opinion against the export of nuclear technology to non-nuclear countries given the attendant risks of proliferation only made matters worse when he assumed office. The FRG-Brazilian deal for the export of eight nuclear power plants by private West German firms was signed in 1975 and was the largest export contract for West Germany. Brazil, like Pakistan at the time, was a non-NPT state and, much like the Franco-Pak reprocessing deal under strict IAEA safeguards, Bonn and Brazil had included IAEA safeguards guidelines in accordance with the procedures adopted at the London Suppliers Group in its nuclear export agreement. But since the export of a complete nuclear fuel cycle meant supply of both enrichment and reprocessing technologies to Brazil, it heightened Carter administration's non-proliferation concerns vis-à-vis Brazil.

The administration had reached an impasse with FRG over the Brazilian issue in its initial months. Paul C. Warnke, director of the U.S. Arms Control and Disarmament Agency argued that the administration faced two serious non-proliferation policy problems with respect to Brazil, "Brazil's acquisition of sensitive technologies under national control even under IAEA safeguards" and, the fact that Brazil was under "no international obligations to have her full fuel cycle under safeguards or forego acquisition

of nuclear weapons." He raised concerns about other countries (for example Pakistan) interpreting a standoff with Germany over the Brazilian nuclear deal "as a major defeat for the US, and an indication that countries can afford to ignore our strong representations on non-proliferation questions." Warnke proposed a change in tactics for the administration to break the impasse and suggested that U.S. should not oppose the FRG-Brazilian nuclear deal if Brazil agrees to put its enrichment facilities under multilateral ownership and control and that Germany agrees to defer the delivery of the reprocessing plant to Brazil with Brazilian participation in the INFCEP.[16]

Though considered "imaginative" with "maybes" and "technical drawbacks –particularly provision of an enrichment facility in a country where multilateral control might really amount to nothing more than a token role for any other government"[17] – Warnke's proposal was considered to be a "damage limiting strategy, designed to get Brazil off reprocessing; permit Germany to get commercial benefits; and to show some success from U.S. non-proliferation strategy."[18]

Much like France announced the future ban on sale of sensitive nuclear technology excluding its agreement with Pakistan in 1976, West Germany announced that it would "no longer export sensitive nuclear technology that can be used to produce atomic bombs" and that the "controversial 1975 agreement to supply Brazil with advanced nuclear techniques would not be affected by the ban."[19]

The Japanese Reprocessing Plant Issue

The first test case for Carter administration's new restrictive nuclear policy on reprocessing was the U.S. safeguards agreement with Japan. Built with French assistance, the Japanese reprocessing plant, a $200 million facility was scheduled to begin operation at Tokai-Mura in three months following Carter's new nuclear policy announcement. According to the U.S.-Japanese agreement, the United States had to certify the "safeguardability of the plant to insure that the end-product cannot be diverted to a nuclear bomb in a short period of time." To add to the confusion of what the policy was, *The New York Times* reported that Carter in his April 7th statement "misspoke when he stated, we would very likely see a continuation of reprocessing capabilities in Japan and West Germany." After several rounds of negotiations, the Japanese agreed to adopt an alternative method to reprocessing, "co-processing or partial co-processing", a method where instead of pure plutonium, a plutonium-uranium mixture is yielded that is only good to be used as a nuclear fuel and is not weapons grade material.[20]

In order to avoid a major foreign policy fiasco and minimize significant costs for Carter's plutonium reprocessing policy, Brzezinski recommended that Carter "approve start-up of the Tokai facility for reprocessing in the scheduled mode but with a limited amount of irradiated fuel, coupled with Japanese agreement to undertake a mutually acceptable major coprocessing experiment subsequently" even though coprocessing was not "widely regarded as a significant additional proliferation-resistant step."[21]

Gerard Smith, Special Representative and Ambassador-at-large for nuclear non-proliferation, was the lead U.S. negotiator

in reprocessing negotiations with Japan. Smith successfully negotiated an agreement with Japan to open Tokai reprocessing facility for a period of two years for experimental coprocessing. In return for the two-year exemption from reprocessing ban, Japan agreed to defer the construction of a nuclear conversion plant, which severely limited progress of Japan's nuclear energy development.[22] U.S.-Japan negotiations in 1977 later provided a model for France to renegotiate the reprocessing facility with Pakistan resulting in the cancellation of Franco-Pak reprocessing agreement in 1978.

These two examples directly challenged Carter's non-proliferation credentials. The Brazilians received a full nuclear fuel cycle from West Germany and Japan received a two-year exemption from the ban on reprocessing and operated its reprocessing facility as per schedule. However, Carter's initiative to start an international dialogue to evaluate fuel cycles brought together a large number of countries to develop consensus on seeking alternatives to nuclear fuel cycles and minimize risks of nuclear proliferation.

One major achievement of the Carter administration's non-proliferation policy during the first year was its initiation of a two and a half year study on nuclear fuel cycle evaluation, the INFCEP. Carter while hosting a 38-nation International Fuel Cycle Evaluation inaugural conference on October 19, 1977 in Washington, DC, to seek alternatives to reprocessing called for "the establishment of an international nuclear fuel bank as an attempt to lower the incentives for nations to obtain equipment that could be used for military purposes." The proposed bank was to "provide a reservoir of fuel in the event of a temporary

breakdown in the bilateral supply of enriched uranium for power reactors." Carter's statement also "reassured nuclear importers" that U.S. nonproliferation policy was not going to interfere with "legitimate need of other nations for nuclear power."[23]

The participant countries at the conference agreed that the INFCE was to be a "technical and analytical study and not a negotiation." It was decided that the evaluation was to be carried out in a "spirit of objectivity, with mutual respect for each country's choices and decisions in this field without jeopardizing their respective fuel cycle policies or international cooperation, agreements, and contracts for the peaceful uses of nuclear energy, provided that agreed safeguards measures are applied."[24] The European delegates at the conference worried about the controls imposed by the bank becoming a political issue. Delegates from the developing countries worried about their perpetual state of under-development and highlighted the issue of discrimination and restricted access to nuclear technology if the international nuclear fuel bank was to be formed.

Pakistan, a non-NPT participant at the conference registered its grievance at the INFCE meeting by stating that, "the incentives towards a proliferation spring from insecurity and the political climate in which we live… We must go on to the heart of the matter which is security perception of nations. In order to strengthen the non-proliferation regime we must not forget that there is an urgent need for controlling unrestricted vertical proliferation which poses an ever present awesome threat to human survival."[25] This statement was representative of Pakistan's developing relationship with the Carter administration in 1977, a year of incredible transition in Pakistan.

Carter and Pakistan: The Transition in 1977

As the outgoing Secretary of State, Kissinger, had advised the State Department to "turn over a functioning foreign policy" to the newly elected Carter administration asserting his belief that "the foreign policy of the United States is a non-partisan enterprise." [26] But he was worried whether the Carter administration was willing to continue with Ford administration's approach towards Pakistan on the reprocessing issue – sale of arms in lieu of non-proliferation commitments. Kissinger had remarked that Cyrus Vance, his successor, would have "six heart attacks at the arms package for Pakistan" warning that, "absolutely the worst thing we could do would be to imply to the Paks that we can deliver on the A-7s and other arms and then not do it. We could get them to stop the reprocessing that way and then screw them on the arms, but that would leave us with a mess not only with Bhutto but with the French, the FRG and the Brazilians."[27] In his final attempt to convince Pakistan on the reprocessing issue, Kissinger had warned Ambassador Yaqub Khan one last time that he would hate to see "Pakistan become the first object of a desire by a new Administration to score something" and that too an administration "which was elected on a plank of non-proliferation." He had cautioned Khan that Carter administration "won't avail itself of escape clauses, or Symington amendment." Khan, however, suggested that any solution to the reprocessing issue be deferred until after elections in Pakistan around April (1977) echoing Bhutto's apprehension about the issue of reprocessing "becoming a major political problem for him."[28]

Discussion in subsequent pages on the Carter-Bhutto showdown on the reprocessing issue reveals the challenges faced by the Carter

administration in achieving non-proliferation tradeoffs with a head of government who was the prime mover for nuclearization and the military regime which supplanted him.

1977 did not only mark the beginning of Carter's presidential term in the United States. It also brought an end to the Bhutto era. It was also the first year of what would be an eleven-year military rule in Pakistan. Instead of holding general elections as per schedule in August 1977, Prime Minister Bhutto announced in January that the general elections would be held earlier on March 7, 1977. This did not give his opposition, the Pakistan National Alliance (PNA), which comprised nine political parties, enough time to campaign for the elections. In the contest for 200 seats in the national assembly, Bhutto's Pakistan People's Party (PPP) won an overwhelming majority of 155 seats. PNA was only able to secure 36 seats and accusing Bhutto of rigging the elections, denounced the election results and demanded fresh elections. In the face of growing unrest created by PNA in the country, Bhutto directed the Election Commission to form judicial tribunals and conduct formal hearing of irregularities in the elections but refused to conduct new elections. However, this did not placate the opposition. In order to appease and win support of some of the elements in the PNA (which included some ultra-orthodox religious parties), Bhutto issued directives for "immediate prohibition of alcoholic beverages, banned gambling, proposed more strict censorship regulations 'in conformity with the moral standards of Islam' and promised to move the country closer to the civil and criminal codes of the Koran."[29] The opposition denounced the acts as Bhutto's "attempts to divert the attention of the people from the main issue of the movement."[30]

The law and order situation in the country deteriorated due to clashes between PNA and PPP workers in different cities. Street riots with police resulted in nearly 250 civilian deaths and Pakistan suffered huge economic disruption due to countrywide civil disobedience, processions, rallies and mass demonstrations.

No A-7 Aircraft for Pakistan

After his re-election in March 1977, Bhutto approached Ambassador Byroade revealing his willingness to seek settlement of the reprocessing issue with the United States. In its attempt to establish the same quid pro quo that the Ford administration had offered to Pakistan, the Carter administration considered arms sales to Bhutto to persuade him to forego the French nuclear agreement. In his memorandum to the President, Warren Christopher, Deputy Secretary of State, advised Carter to adopt an approach where an arms sales package to Pakistan would stand public and congressional scrutiny asserting that "while we are likely to encounter some criticism for having 'bought off' Pakistan, I think we would be on good grounds to defend our position. Given the high priority we attach to non-proliferation, we should be prepared to accept this risk." Christopher proposed that the arms sales package offered to Pakistan on cash only basis should consist of F-5Es and if necessary, A-4s could also be added. Carter in the margins of this memo scribbled "no" against this proposition. Carter also wrote "no" against Christopher's suggestion of appeasing Bhutto with A-7s request if need be. On economic and energy items as per Ford administration's offer to Pakistan, Christopher noted "Pakistan will receive about $76 million in aid this year and AID has proposed $98 million for FY 78 under the regular development program" and suggested

that the administration should "consider an additional $100-125 million economic assistance package to be extended over two to three fiscal years." Carter disagreed by scribbling, "I don't favor this." Carter was "ok" with State Department's suggestion of offering "assured fuel supply for Pakistan's nuclear reactors, participation in an international fuel cycle evaluation program, and technical assistance in the non-nuclear energy field", however, he questioned the rationale of Kissinger's offer to Pakistan seeking to "facilitate financing of a French nuclear reactor and possibly a low enriched fuel fabrication plant in lieu of the reprocessing facility" by asking "why finance a French purchase?"[31]

Unfortunately Pakistan's domestic political unrest after the elections did not give Carter administration a chance to revise the package to sway Bhutto away from the French deal. Even though none of what was proposed ever made it to Bhutto, the contents of this memorandum are instructive in developing an understanding about the State Department's initial approach towards exploring non-proliferation trade-offs with Pakistan.

With regards to its arms sales policy, Carter administration authorized $2 billion of arms sales on March 29, 1977 but it decided to withhold action on "$3 billion in sales of more controversial arms overseas."[32] Pakistan's A-7s were amongst them. The decision to cancel the sale of 110 A-7s to Pakistan was announced on June 2, 1977, at a time when Pak-U.S. relations were at their lowest point with Bhutto accusing the U.S. of interference in Pakistan's domestic affairs and the political situation in Pakistan rapidly deteriorating. It was believed that "the addition of A-7's to Pakistan's Air Force would be viewed, particularly by India, as disrupting the balance of power on the subcontinent."[33]

According to Dennis Kux, given Carter's "emphasis on promoting democracy and human rights" India was looked at more favorably than Pakistan. And in order to "strengthen relationships with regional influentials" the administration was looking at India, not Pakistan.[34] By July 1977, when there was a military regime in power in Pakistan and a newly elected democratic government in India, Carter's tilt was visibly opposite to that of Nixon and Ford.

On the nuclear reprocessing issue, it was clear to the administration that neither Bhutto nor the opposition (once in power) would give up the reprocessing deal with France.[35] The Department of State worried that "if neither Bhutto nor French change their present positions regarding fulfillment of the contract, major equipment could shortly be transferred to Pakistan" and since France had already shared the blueprint of the reprocessing facility with Pakistan any equipment transfer would have been "highly visible and could trigger the Symington Amendment, which requires the cutoff of the United States' aid." Since there was an impasse due to uncertain political situation in Pakistan, negotiations could not be carried out and without further negotiations on the issue new trade-offs could not be explored. The Department of State believed their best hope rested on "moving the French to a new position concerning their contract in the context of upcoming United States-French discussions on the larger, global issues."[36] There certainly was hope to persuade France against the reprocessing deal with Pakistan.

Prelude to the Coup and Bhutto's Anti-U.S. Card

With rapidly deteriorating law and order situation in Pakistan, the opposition repeatedly demanded the military to step in

temporarily to bring order in the country for new elections to be held. Bhutto on the other hand, ordered martial law for three major cities in Pakistan and wanted his military men to indiscriminately open fire on demonstrators, if need be, to keep the streets empty. The military leadership, hesitant to do either, pressured Bhutto to negotiate with the opposition before the country plunged into a violent civil war. The opposition refused to negotiate with Bhutto and demanded his resignation as a precondition for elections. In an effort to discredit the opposition, Bhutto found his face-saving in blaming the United States for supporting the opposition and encouraging them to oust him from power.

In his April 28, 1977 address before the Parliament, Bhutto "alleged that the United States and others had tried to unseat him for his past independence in foreign policy and his present determination to go ahead with a nuclear reprocessing plant."[37] In addition to the nuclear reprocessing issue, Bhutto also resented Carter administration's decision on April 21, 1977 to suspend shipment of "$68 thousand worth of tear gas on the grounds that this would signal U.S. support for a 'repressive regime' and be contrary to the administration's human rights policy."[38] The opposition, however, rejected Bhutto's allegations of U.S. support stating that "we have had no contact with any outside power and we have received no dollars for our campaign." The U.S. Charge d'affaires, Peter Constable delivered a "protest note to the Foreign Ministry" calling Bhutto's allegations "groundless."[39]

Carter administration was finding it increasingly difficult to deal with Bhutto given his statements alleging U.S. involvement and role in political unrest in Pakistan. In the initial months of the new

administration, Department of State briefing memos and evening reports were filled with daily situational analysis of Pakistan's political unrest. Vance told Carter that the Pakistani Ambassador was conveyed the charges were "false and tendentious" and that he had sent a message to Bhutto "making clear that his charges are groundless and urging that any differences between us be aired in private."[40] But Bhutto did the contrary. For additional political mileage, Bhutto misused confidential diplomatic message sent to him by Vance. In his oral history interview, American Charge d'affaires at the U.S. embassy in Islamabad at the time, Peter Constable recollected how Bhutto went public, "Bhutto, being a real political rogue and rascal, went out in an open jeep around Rawalpindi and had all his supporters out in the streets and he was waving this letter from Secretary Vance, saying that the Americans have apologized to him. Of course, it wasn't an apology at all, and then we got the Department to release the text."[41]

The Department of State released the contents of the cablegram from Vance to Bhutto dated April 28, 1977 which stated,

> We are always prepared to discuss any concerns you may have quietly and dispassionately. Considering the long history of close and amicable relations between our two countries, I suggest that we seek ways to avoid public charges which can only damage our relations. The United States Government is not engaged in any form of interference in Pakistan's domestic affairs and has no intention of becoming so involved. We have given no assistance, financial or otherwise, to any political organizations or individuals in Pakistan… despite occasional difference on specific points, the United States continued to work with Pakistan on a broad range of issues. There has never been any interruption in military equipment sales or economic assistance.[42]

Despite the dramatic turn of events and Bhutto going public with private cables, Warren Christopher, Deputy Secretary of State in his memo to the Vice President advised against public confrontation with Bhutto while continuing to reject his statements on U.S. interference as a signal to Bhutto that the United States still wanted to maintain a "productive relationship with Pakistan." He told Vice President, Mondale that the United States, as per policy, would continue the economic assistance and permit shipment of military items "previously ordered and approved for sale but hold up the pending items" and consideration of any new military orders would be reviewed in view of the developing bilateral relations. Although the administration doubted Bhutto was looking for "irreversible confrontation" with the United States, he seemed "willing to trade the short-run advantages of a nationalistic campaign for the possible long-term effects" on Pak-U.S. bilateral relationship.[43]

A cable from U.S. Secretary of State to U.S. Embassy Islamabad on May 5, 1977 provided rationale for the decision to continue with military shipments as planned. The decision was made on the grounds that "Bhutto could choose to interpret an export embargo as proof of his charges and concern that the Pakistan military might misinterpret such an action as indication that the USG had made a fundamental change in policy towards Pakistan and would no longer be willing to supply legitimate defensive equipment."[44]

The United States did continue with shipment of pending military orders and as Kux sums it up, "ironically, on April 28, 1977, the very day that Bhutto had blasted Americans for 'colossal' interference,

the U.S. Navy transferred two destroyers to Pakistan under a long-term loan arrangement."[45]

The Martial Law

In an attempt to conclude the four-month-old bloody standoff between Bhutto and the opposition, Pakistan Army finally stepped in. On July 5, 1977, General Zia-ul-Haq, Chief of the Army Staff seized power, suspended the constitution and assumed the position of the Chief Martial Law Administrator. Bhutto and several opposition leaders were placed under custody. The American embassy in Islamabad was informed that the measures were "purely internal steps taken to save the country from disorder and will not affect its foreign policy." It was also told that the elections were to be held as per schedule on October 6, 1977 and the leaders in custody will be released to contest them.[46]

The irony for Bhutto was that he had appointed Gen. Zia-ul-Haq as Chief of the Army Staff on March 1, 1976 "over the heads of generals with more seniority, because of his reputation as a professional 'soldier of Islam' with only mediocre ability and little political ambition." A biographic sketch of Gen. Zia prepared by the U.S. Defense Intelligence Agency specified Zia's lack of political ambition as non-threatening to "Bhutto's populist rule." According to the sketch, "Zia has been described as 'dumb like a fox' and it has been suggested that 'he may have deliberately cultivated his image as inexperienced and indecisive in order to lull potential opponents into underestimating him." On politics, Zia was considered to be "very pro-American, at least privately."[47]

At the time of the coup, there was no reason to disbelieve General Zia's motivations for intervention to be anything other than to hold

free and fair elections in Pakistan. Bhutto, however, was not the only one to have misread Zia, many in the Carter administration underestimated Zia's political ambitions. Having released Bhutto after one month's detention, Zia was struck by Bhutto's popularity (which he thought would have dampened after the coup) and ability to win the elections if they were to be held. To everyone's surprise, in Peter Constable's assessment, Bhutto was able to regroup a strong support base and Bhutto's likely win would have been "intolerable for the Army that had just thrown him out." It was then that "Zia and his advisors developed the strategy of trying Bhutto for his misdeeds, and then ultimately having him sentenced to death and hanging him."[48] A brutal ending of a grand era.

Zia and the French Reprocessing Deal

In a cable to Secretary Vance on July 20, 1977, Arthur Hummel, the new American Ambassador to Pakistan (Byroade's successor) informed of his meeting with the French Ambassador who tried to persuade the GOP "of the advisability of slowing down or cancelling plans and transfers in connection with reprocessing plant." The French Ambassador had strongly recommended his government to convince the GOP that "reprocessing plant is neither necessary nor economic, and that GOF [government of France] should attempt to offer alternatives, perhaps in connection with other power reactors that France might supply." This was the first time the French had expressed uneasiness about selling reprocessing technology to Pakistan, however, Hummel believed that the French still seemed "hung-up on principle of carrying out the contract unless Pakistanis can be induced to request otherwise."[49]

The State Department in its initial assessment of Gen. Zia thought that he "did not feel quite as strongly as Bhutto about the need for the nuclear reprocessing plant and may come to view its acquisition as unwise." In his memo to the President, Brzezinski wrote that, "despite Zia's pledge, he may, as he gets deeper into the process of governing, become convinced that the political price of acquiring the reprocessing plant is too high." Furthermore, in the administration's view, some officers in Pakistan, viewed Bhutto's nuclear policy "as a primary factor in preventing Pakistan from benefitting from the lifting of the U.S. arms embargo" and "unlike Bhutto, who always said that he could not drop the reprocessing plant without losing ground with the military, the generals need not consult anyone."[50] In contrast to State Department's assessment about Zia, Constable had it right. Zia "proved to be a very shrewd and astute politician, and very adept about maneuvering his opponents"[51] and contrary to the initial U.S. assessments, was difficult on the nuclear issue.

The Glenn Amendment

The Carter administration was keen on achieving a Comprehensive Test Ban (CTB). According to Or Rabinowitz, Carter saw CTB as a 'tool to reinforce the NPT regime' and the sanctions proposed in the Glenn amendment "reinforced American opposition to nuclear tests and nuclear proliferation."[52] On August 4, 1977 President Carter signed the International Security Assistance Act of 1977, which amended the existing Symington amendment (Public Law 94-329-Sec. 669 of FAA of 1961) by adding a new Sec. 670 to the FAA of 1961. Proposed by Senator John Glenn in May 1977 (and popularly referred to as the Glenn Amendment) the amendment called for cutoff of U.S. assistance to any country, which the President determines:

> (A) delivers nuclear reprocessing equipment, materials, or technology to any other country on or after August 4, 1977, or receives such equipment, materials, or technology from any other country on or after August 4, 1977…or
> (B) is a non-nuclear-weapon state which, on or after August 8, 1985, exports illegally (or attempts to export illegally) from the United States any material, equipment, or technology which would contribute significantly to the ability of such country to manufacture a nuclear explosive device, if the President determines that the materials, equipment, or technology was to be used by such country in the manufacture of a nuclear explosive device.

The literature on U.S. non-proliferation legislation confuses the rationale and objective of the Symington and Glenn amendments. Mitchell Reiss in his book *Bridled Ambition* clarifies that confusion as follows,

> The Symington amendment amended the Foreign Assistance Act of 1961 by adding Section 669, which concerned nuclear transfers of both uranium enrichment and reprocessing equipment, materials, and technology. The Glenn amendment eliminated this section 669 and added (1) a new section 669 dealing only with uranium enrichment transfers, and (2) a new section 670 dealing with reprocessing transfers. The Symington amendment is generally invoked when discussing uranium enrichment transfers and the Glenn amendment when discussing reprocessing transfers, although technically the Glenn amendment is the appropriate citation for either type of transfer. As a compromise, and further complicating matters, the entire legislative package is sometimes referred to as the Glenn-Symington or Symington-Glenn amendment.[53]

The amendment carried a waiver which authorized the President to furnish assistance to a country found in violation of the amendment if he could certify in writing that the "termination of such assistance would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security." However, the amendment provided Congress the authority to disapprove such presidential certification through a joint resolution to suspend all deliveries of assistance furnished in that certification.[54]

Several months before the legislation was passed, the U.S. Senate Subcommittee on Arms Control, Oceans and International Environment and the Subcommittee on Foreign Assistance of the Committee on Foreign Relations met for a hearing of the witnesses on the proposed Glenn amendment on May 2, 1977. Before the hearing, Glenn explained the rationale for his amendment as follows:

> My amendment would carry the Symington amendment one logical step further. In effect, the Symington amendment allows reprocessing transfers under certain conditions. I believe we have come to realize now that it would be far better if reprocessing equipment, materials and technology were not transferred around the world under any circumstances. The cut off of assistance to a country detonating a nuclear explosive device is a logical and proper extension of our developing nonproliferation policy, a great deal of time and energy has gone into the development of provisions, both bilateral and multilateral, which would bind nonnuclear weapons states to a peaceful nuclear program and make those nations honorbound not to develop nuclear explosives. The detonation of a nuclear explosion is a sign that a nation is in a position to embark on a weapons program. India is the only nonnuclear weapons state which has exploded a peaceful nuclear explosion, but other nations have from time to time shown an interest in peaceful nuclear explosions.[55]

Pakistan's nuclear weapons program in 1977 was still in its embryonic stages and there was no device ready for nuclear testing even though work on developing the test sites was underway at that time.[56] The only other country that had a nuclear weapon and was in a position to conduct a nuclear explosion in 1977 was South Africa. By mid 1977, there were indications of nuclear-test site preparations by South Africa in the Kalahari Desert although Pretoria denied any intentions to test nuclear weapons. According to Rabinowitz,

> In May 1974, the same month India conducted its PNE, South African engineers completed a scale model of the first South African gun-type nuclear fission device and it was successfully cold tested using a depleted uranium core; later that year the AEB [Atomic Energy Board] informed Prime Minister John Vorster that it was able to build a nuclear explosive device for peaceful use. In 1976 a first full-scale test of the device, using natural uranium instead of enriched uranium, was conducted successfully. In the following year, 1977, the first nuclear device was ready for a static test; it did not contain HEU [highly enriched uranium] but was loaded with depleted uranium in preparation for a planned cold test in August 1977.[57]

It can, therefore, be determined that Pakistan could not have been on the minds of the architects of the Glenn amendment when they specified aid cut off after a nuclear explosion. The other component of the Glenn amendment referred to the sale of reprocessing plants. According to Leonard Weiss, John Glenn's most influential staffer and the brains behind the amendment,

"the Glenn amendment was not targeted specifically at Pakistan. The concern that prompted the amendment was our perception that reprocessing was so dangerous for non-proliferation that trade in such technology should be discouraged even if accompanied by international safeguards. Pakistan was not uppermost in our minds when the amendment was conceived."[58] It was Pakistan's reprocessing plant agreement with France that became the focus after the amendment was passed. Carter used the Glenn amendment in the same manner Ford had used the Symington amendment – to pressure Pakistan to forego the French reprocessing deal. However, unbeknownst to Pakistan at the time, the Glenn-Symington amendments were going to have serious implications for Pakistan-U.S. relations in coming years.

An August 10, 1977 statement by a spokesman of Pakistan's Ministry of Foreign Affairs revealed details of a secret visit by Joseph Nye, Deputy to the Under-secretary for Security, Science and Technology affairs on 29-31 July 1977 to Pakistan to discuss the contentious issue of plutonium reprocessing plant. According to the statement "Pakistan side reiterated the determination of the interim government to implement the agreement with France and made it clear that Pakistan would not countenance delays of any kind in the execution of the various steps envisaged for going ahead with the project."[59] The purpose of Nye's visit was not only to threaten the cutoff of economic assistance as per the Glenn amendment – as documented by Kux[60] – but also to persuade Zia to participate in Carter's International Nuclear Fuel Cycle Evaluation Program (INFCEP). And it was through Pakistan's participation in INFCE that the problems associated with U.S. non-proliferation legislation were to be relieved. The

idea was to tell Zia that if he agreed, his deferral on receiving French technology transfers would be placed in a "global context as the Pakistani contribution to the INFCE."[61] In his meeting on July 30, 1977 with Agha Shahi, interim foreign affairs adviser to Gen. Zia, Nye pointed out that "reprocessing may become obsolescent after INFCEP and that recycle is of questionable value even for the U.S. with a large number of reactors." Shahi nevertheless replied by stating that the reprocessing issue for the interim military regime was a "political dynamite" and the interim government had no choice. In reply to Nye's question of what would the interim government prefer, "two month de facto delay or foreclose various options for cooperation, including economic aid and perhaps military sales with the United States," Shahi replied, "Zia knows he would be politically discredited if he touched this issue." Munir Ahmed Khan, Chairman PAEC also attended the meeting and when Nye inquired about the status of 'transfer of technology from France,' Munir Khan confirmed that "all important technology for the plant had been transferred by July 1974." Ambassador Hummel informed Secretary Vance that although no breakthrough was intended on the reprocessing issue it confirmed the administration's view that the reprocessing plant "is no longer an economic or technical issue for the GOP, rather it is seen as fundamentally a political question, involving face, national pride and the bona fides of the interim government."[62]

Shahi was correct in his observations, Zia was relentless on the issue of reprocessing. On the question of pressure from the United States on the reprocessing issue during a press conference on September 1, 1977, General Zia once again reaffirmed his commitment,

> We stand in a much better position than we were on the fifth of July 1977. The reprocessing plant is no longer either a political or a national issue. The previous Government had initiated the deal, and I have said that I will abide by it. The leaders of the previous Opposition have all said, one by one, that they want it. And knowing what I do of France, I have no doubt that the French will stand by their commitment. They are honourable people.[63]

The reprocessing issue overshadowed Pak-U.S. diplomatic relations under Zia from mid-1977 onwards and resulted in brief U.S. development aid suspension for Pakistan in September 1977, which was resumed after a year. The French decision to cancel the reprocessing plant agreement with Pakistan was privately taken in 1977 and officially announced in 1978.

In their interview with Leonard Weiss, Douglas Frantz and Catherine Collins in their book *The Nuclear Jihadist,* document Leonard Weiss meeting Bertrand Goldschmidt, one of the directors of the French nuclear agency, in the spring of 1977 before the Glenn amendment became a law. Weiss had flown to Paris "to meet with senior officials to relay John Glenn's opposition to the pending sale of the reprocessing plant to Pakistan." According to the authors, "even before Weiss finished laying out Glenn's concerns, Goldschmidt said the French had decided to stop the transaction." But Goldschmidt also told Weiss that "unfortunately the French company involved in the deal had already sold Pakistan the blueprints for the plant." One critical device, however, known as 'chopper' used to 'slice the highly radioactive spent fuel rods into pieces as a part of producing plutonium' was still not provided to Pakistan by the French. While this provided some relief to Weiss,

it also made him think out of the box. Weiss thought, "What if the reprocessing plant was not the true focus of the Pakistani nuclear plans? What if the plutonium route was a ruse? What if, while the United States spent precious diplomatic capital and intelligence resources trying to stop the French deal, Pakistan had another option for developing a weapon?" Weiss knew of Pakistan's uranium enrichment program and thought perhaps, "enrichment was the real way the Pakistanis planned to produce fissile material."[64]

Weiss was right. General Zia did not cause a ruckus over the loss of French reprocessing deal not because he did not 'feel as strongly as Bhutto' about reprocessing but because he was confident about achieving nuclear capability through an alternate route. On his way home from visiting New Delhi in January 1978, Carter stopped in Paris to meet the French President, Valery Giscard d'Estaing, to discuss the Franco-Pakistan deal. Although it was privately confirmed that the French had taken the decision to cancel the deal, Giscard, as Frantz and Collins write, "agreed to make the decision official, but he insisted on waiting long enough to make it seem as if France was not submitting to American pressure. Six months later, the French Council on Nuclear Policy declared the contract with Pakistan null and void."[65]

With the cancellation of the French agreement, there was no longer any need to sanction Pakistan under the Glenn amendment. The cancellation of the French reprocessing plant only delayed Pakistan's plutonium route to the bomb and efforts to acquire the bomb through uranium enrichment continued covertly under Zia's regime.

U.S. Aid Suspension and the Symington Amendment

A U.S. intelligence report in 1978 examined Pakistan's nuclear and non-nuclear options after the Indian nuclear test in 1974. According to the report, Pakistan's decision to acquire nuclear weapons capability was influenced by its earlier failed attempts to pursue non-nuclear options which included: Pakistan's proposal for a 'South Asian Nuclear Weapons Free Zone' in 1974 passed by the UNGA but never implemented and Pakistan's unsuccessful attempts to seek nuclear guarantees from great powers and assurances from nuclear weapon states for non-use of nuclear weapons against non-nuclear states. Pakistan contemplated reliance on an extensive military procurement program from major arms supplier states including China, U.S., U.K and France to match Indian conventional superiority and also considered exercising its right to 'peaceful nuclear explosion' in order to balance the equation with India and alert the international community to arrest further Indian nuclear developments. The report safely estimated that "Pakistan could not develop a nuclear warhead suitable for delivery by a ballistic missile in less than five years from the date of a demonstration device."[66]

A similar assessment was made about Pakistan's technical capability to enrich uranium even if such a program was underway. A State Department working group put together to examine Pakistan's proliferation issues brought together two groups of CIA analysts and scientists from national laboratories. According to Frantz and Collins, "both groups were unanimous in their assessment of Pakistan's program: There was no threat, and it would take decades for Pakistan to master the arcane principles of developing centrifuges to enrich uranium" since the country was

"too backward, no matter how much technology it smuggled in from Europe." The authors write that "there was arrogance in the assumption, best exemplified when one of the CIA analysts told [Robert] Gallucci [nuclear expert and former division chief in the Bureau of Intelligence and Research], 'You should be happy that they are pursuing centrifuges, because they will never get those centrifuges to work."[67]

Once again Pakistan's resolve to obtain nuclear weapons at any cost was underestimated. Feroz Hassan Khan in his book *Eating Grass* writes,

> The popular narrative surrounding Pakistan's uranium enrichment is one of nonproliferation and export control failure. There is little focus on the domestic environment and the intense demands Pakistani experts had to meet. Such was the pressure and determination: the more hurdles the scientists had to overcome, the more their resolve increased. In an organizational culture where the end justified the means, and left with so few alternatives, the Pakistani leadership turned to self-reliance and creativity to overcome the nonproliferation barriers erected. Eventually it was the leadership of A.Q. Khan, a leading Pakistani scientist, and competition within the Pakistani scientific community that led to the project's success.[68]

A month after the cancellation of the French reprocessing plant agreement, Cyrus Vance approached Agha Shahi with an offer of resumption of the suspended development aid with a consideration for military sales. But Shahi was warned that if Pakistan developed an indigenous nuclear explosive capability or attempted to acquire reprocessing technology from any other country then the non-proliferation legislation (reference Glenn-Symington

amendments) would automatically be triggered resulting in the suspension of U.S. military and economic assistance to Pakistan.[69] Pakistan's enrichment program continued. A.Q. Khan was at work and by early 1979, he was not only on the U.S. radar but also in the European press. Frantz and Collins write that "Khan had operated in relative secrecy since arriving home, but that came crashing down on March 28, 1979 when the German television network Zweites Deutsches Fernsehen broadcast a program disclosing Khan had obtained access to centrifuge technology while working under contract to the Urenco consortium and taken it back to Pakistan."[70] The authors also quote Khan's 'first public response after an article in *Der Spiegel*, the German newsmagazine.' Khan's words echoed his frustration with the organized hypocrisy of the West on nuclear non-proliferation issues. The authors quote Khan's response to the magazine as follows:

> I want to question the bloody holier-than-thou attitudes of the Americans and the British. Are these bastards God-appointed guardians of the world to stockpile hundreds of thousands of nuclear warheads and have they the God-given authority to carry out explosions every month? If we start a modest program, we are the Satans, the devils, and all the Western journalists consider it a crusade to publish fabricated and malicious stories about us.[71]

The timing proved to be terrible for Pakistan. The Carter administration terminated all military and economic assistance to Pakistan invoking the Symington Amendment on 6 April 1979. According to Feroz Khan:

> On April 4, 1979, Zulfiqar Ali Bhutto, the political father of the Pakistani bomb, was hanged. Just two days later, on April 6, the Carter administration applied the Symington Law to Pakistan and suspended aid. Although there was no direct causal relationship between the U.S. sanctions and Bhutto's death, some theorize that Zia-ul-Haq's disregard for President Carter's appeal for clemency may have triggered Washington's anger. If the Symington law was intended to punish Pakistan, it only bolstered Pakistan's determination to pursue its nuclear program.[72]

Richard Burt reported in *The New York Times* on August 12, 1979 that Carter administration in an all-out effort to stop Pakistan's enrichment program had set up an interagency taskforce under the leadership of Gerard C. Smith who was the Ambassador at Large, U.S. special representative for non-proliferation matters. Though the taskforce remained inconclusive, it had prepared three options to slow Pakistan's march towards the bomb: one, offer conventional arms to Pakistan to modernize its military (may be offer F-5 or F-16 advanced aircraft) as an incentive to forego the nuclear option; two, use stringent economic sanctions to cripple Pakistan's economy and; third, "use paramilitary forces to disable the Pakistani uranium enrichment facility" to retard Pakistan's nuclear progress.[73] According to Thomas Thornton, "the study produced no useful results and the publicity it received inevitably disturbed the Pakistanis."[74] Pakistan's program continued despite Symington sanctions and the cancellation of other foreign supplies by Pakistan's European partners. Adrian Levy and Catherine Scott-Clark in their book *Deception* write,

> Khan had a plan B. Sensing a time when foreign parts would dry up altogether, he [Khan] had been ingenious, fitting out machine shops at Kahuta to reverse-engineer centrifuge

components based on the ones he had already bought in Europe, using design molds provided by his European contractors.[75]

1979, however, turned out to be a difficult year for both Pakistan and the United States for reasons other than their own strained relations. First, the Soviet backed communist government in Afghanistan, which had come to power a year earlier in 1978, was a threat to Pakistan and the GOP feared Soviet eastward expansion. Even though Zia requested Carter to upgrade the Pak-U.S. bilateral cooperation agreement of 1959 to a treaty in order to signal U.S. support for Pakistan against potential communist threat, Carter resisted compliance. According to Robert Gates (who served as the staff member of the National Security Council at the time), the State Department had advised Cyrus Vance that "the United States shouldn't go beyond a modest effort to publicize Soviet actions and intentions, both through diplomatic contacts and publicly" furthermore Vance was asked "to wait for the Pakistanis to react to a recent U.S. approach on their nuclear program before pursuing consultations with them on Afghanistan, and asserting that intelligence liaison contacts should be limited to exchanges of information on Soviet activities and insurgent capabilities."[76] Brzezinski and Vance had also told the same to Deng Xiaoping, Deputy Premier of China on a dinner during his official visit to Washington on January 29, 1979. According to the memorandum that documented the notes exchanged between Vance, Brzezinski and Deng on issues related with Pakistan, Deng had expressed his concerns about the future of Pakistan, particularly in the light of developments in Afghanistan. He told his American counterparts that the U.S. should consider providing Pakistan with "substantial economic and military aid." Brzezinski and Vance told Deng that

there were considerable concerns in the U.S. about Pakistan's nuclear explosives development and that "the whole reprocessing issue" made it difficult for the U.S. to provide the level of support to Pakistan that the U.S. liked, but if this issue was resolved, then U.S was "willing to make major commitments." To this Deng asked why the U.S. could not "turn a blind eye to the nuclear reprocessing issue" and why could not the U.S. non-proliferation law be changed on the subject. Both Brzezinski and Vance emphasized that the "law was clear, and that it reflected the will of Congress which would not be changed."[77]

Second, the Islamic Revolution in Iran, which brought Ayatollah Khomeini to power in February 1979, was threatening for Pakistan. Zia was uncomfortable because of his staunch 'Sunni' orientation and a popular Shia leader in the neighborhood meant unrest in Pakistan's Shia population which was unhappy with Zia's Sunni-oriented Islamization of Pakistan. But before the U.S. came around on both these threats, the GOP gambled to improve its bargaining position by threatening to conduct a peaceful nuclear explosion.

Pakistan's PNE Gossip and The Nuclear Ambiguity

As the insurgency in Afghanistan intensified leading to a Marxist coup in April 1978, Pakistan worried about safeguarding its territorial sovereignty given Soviet expansionism and looked towards the U.S. for protection under the terms of their bilateral 1959 cooperation agreement. But according to the State Department, the USG and Congress were only willing to consider a limited arms supply, "if there were a reason to believe it would help persuade Pakistan to stop its efforts to acquire a nuclear

explosive capability or to come to some form of non-proliferation arrangement with India."[78]

Eight months prior to the Soviet invasion of Afghanistan in December 1979, Pakistan was still petitioning the administration to consider Pakistan's security imperatives given the unrest in Afghanistan and the spread of Soviet influence in the region independent of how USG viewed Pakistan's nuclear problem. But for the Carter administration, delinking Pakistan's nuclear proliferation problem from its regional security concerns was not a preferred foreign policy aim in the absence of credible assurances from Pakistan on discarding the nuclear option, a critical issue on which the government of Pakistan was not forthcoming. Pursuant to sanctions under the Symington amendment, the State Department explored arrangements with Pakistan to undertake three steps: "… freeze their [Pakistan's] current enrichment activities, place all reprocessing facilities under safeguards, and provide credible assurance that they [Pakistan] will not proceed with nuclear weapons development" and assured the GOP that upon receiving such assurances, there will be efforts to either resume the suspended aid or a Presidential waiver would be added to the Symington legislation.[79] In its defense, the GOP maintained that its nuclear program was for peaceful purposes although it hinted at the orientation of its pursuit for nuclear capability being tied to its national security as flexible and not set in stone.

In her examination of bargaining on nuclear tests, Rabinowitz uses Mitchell Reiss' non-proliferation paradox to describe the South African bargaining on nuclear testing. However, this non-proliferation paradox is also relevant in understanding Pakistan's

PNE gossip. Rabinowitz writes that according to the non-proliferation paradox, "when Washington puts an emphasis on curbing and preventing a threshold state from overtly testing, the potential tester is motivated to use the threat of a test as a political bargaining chip in its dealings with Washington."[80] Pakistan attempted the same.

At one occasion on May 30, 1979, Pakistan's Foreign Affairs Advisor, Agha Shahi, "implied" during a conversation with the U.S. Chargé d'affaires in Islamabad that the program's goal was a "nuclear explosion" and that it should not be a cause of concern if Pakistan conducts a "peaceful nuclear explosive in a few months" because "any such development would be in the context of defensive measures against Indian nuclear capability."[81] This was the closest Pakistan had ever come to admitting the objectives of its nuclear program ever since it began under Bhutto's leadership in 1972. The statement though not explicit, was allusive enough to make the State Department review and update its earlier estimates about Pakistan's capability of testing a nuclear device and reach out for support from other major countries to stop Pakistan's PNE. State Department's attempts to gather support in Europe against Pakistan's nuclear ambitions, however, generated little enthusiasm. Many in Europe remained non-committal and lacked optimism that "any combination of available disincentives or incentives" would influence Pakistan's nuclear course primarily because they remembered that both U.S. and Europe "did not punish India in 1974."[82]

As the momentum to stop Pakistan from conducting a PNE increased, some members of the House Foreign Affairs Committee asked the administration to review a "new security support for

Pakistan, including supplying conventional arms, in an effort to stop that country's drive to build nuclear weapons." In their letter to Cyrus Vance, several lawmakers expressed their "deep concerns that atomic capability for Pakistan could lead to a nuclear arms competition and ultimately a nuclear war on the Indian continent and also could profoundly destabilize the Persian Gulf and Middle East."[83] In a news conference on Oct 27, 1979, Pakistan's President ruled out the possibility of Pakistan conducting a PNE but asserted that it would be done "only if it is needed as part of country's search for peaceful nuclear power." However in the Q&A of that news conference, Zia stated that in his opinion there was "no such thing as a peaceful explosion" and that all explosions could be taken for "nonpeaceful measures," thus perpetuating the ambiguity that surrounded Pakistan's nuclear ambitions.[84]

In the months following the PNE statement by Agha Shahi, Pakistan and the U.S. held several consultative meetings on the nuclear explosion issue in Washington. During one such meeting, Pakistan made attempts to seek "flexibility in U.S. willingness to resume economic assistance and military sales in the absence of progress on the nuclear issue". But the State Department conveyed to the Pakistani delegation its unwillingness to delink "the two issues of Pakistani security and its nuclear activities" and even though the U.S. wanted to develop a strategy to meet Pakistan's economic, political and security goals, "Pakistan's pursuit of a nuclear weapons option ran counter to such a balanced approach." By planting the PNE gossip Pakistan had thought that the Carter administration could be a) pushed to revert the Symington sanctions and resume aid with no non-proliferation conditions attached and b) convert the 1959 bilateral cooperation agreement into a treaty, which according to Pakistan was the most important

thing U.S. could have done to secure Pakistan against anticipated Soviet aggression. But when the administration declined to do either, the GOP dissociated itself from the PNE gossip. Distancing itself from his earlier PNE statement, Agha Shahi reassured the State Department about Zia's intentions against a nuclear explosion since "Pakistan was not near the stage where it could conduct" such a test and that Pakistan was "doing its best to reassure India and to avoid the dire consequences the U.S. feared" concluding that "U.S. concerns were unwarranted." However, like Zia, Shahi also maintained nuclear ambiguity about the objectives of Pakistan's nuclear program by stating that the goal of the program remained to be determined and Pakistan's development of a nuclear explosive capability was "an open question."[85]

Shahi had hoped that the USG would not single out Pakistan's nuclear issue to develop a foreign policy around it or discriminate against Pakistan's access to nuclear technology for 'peaceful purposes. He also hoped the U.S. would not oppose Pakistan's indigenous efforts to develop enrichment capability. But the administration remained firm with respect to upholding its non-proliferation commitments specific to Pakistan's case and refused to negotiate with the GOP as long as it pursued the nuclear option. Pakistan's luck however, was about to change. According to Levy and Scott:

> Pakistan and the US found common cause when, as one of his first acts, Khomeini closed down two US listening stations in northern Iran, knocking out Washington's most important intelligence collection points for the entire region. Blind and threatened, the US began discussing with Pakistan its taking a more active role in Afghanistan, and Pakistan agreed to become America's new eyes and ears in the region.[86]

The Soviet invasion of Afghanistan in December 1979 and the loss of listening posts in Iran elevated Pakistan's geostrategic status, aligning it with the American strategic priorities in the region. The U.S. Congress waived aid conditions under the Symington amendment in 1980 and in 1981 approved a $3.2 billion multi-year aid package for military and economic aid to Pakistan in return for its assistance to train Afghan mujahedeen's to fight the Soviets. Pakistan used its new geostrategic importance for the United States at the height of the Cold War to its advantage, limiting U.S. policy options towards restraining Pakistan's nuclear developments.

The Soviet Invasion of Afghanistan and Pakistan's Bargaining Chip

Soviet military moves and installation of a new regime in Kabul, Afghanistan in December 1979 were a source of tremendous concern for the entire international community. At a personal level for Carter, Soviet actions amounted to betrayal of détente and for him, his "failure to ratify the SALT agreements, and to secure other arms control agreements, was the greatest disappointment of his presidency."[87] For Pakistan however, it was an excellent opportunity to bargain not only on its nuclear program but also a lucrative U.S. military and economic assistance package.

The Soviet invasion of Afghanistan changed the geopolitical landscape in Southwest Asia projecting the worst-case scenario of a Soviet eastward expansion towards Pakistan, confirming GOP's fears. With respect to Pakistan, the Carter administration was in a bind: a) it had linked any discussions on addressing Pakistan's security concerns with the assurances from the GOP on

abandoning its nuclear program and b) the Symington amendment it had effected in April 1979 against Pakistan, prohibited any military or economic assistance to Pakistan unless a Presidential waiver was introduced. For an efficient U.S. response against the Soviets, Pakistan's commitment to fight Soviet expansion was vital and winning Pakistan over with those conditions attached was a challenging task for the administration.

Cutting short his Christmas holidays at Camp David, Carter chaired an urgent National Security Council (NSC) meeting on December 28, 1979 to discuss the situation in Afghanistan and U.S. options. Brzezinski outlined four issues for consideration, one of them being the question of U.S. cooperation with the GOP in the wake of Soviet attack on Afghanistan. The Secretary of State, Cyrus Vance outlined U.S. actions for Pakistan and recommended that first, a high level delegation should be sent to consult the GOP; second, the U.S. should resume military sales; third, since the U.S. government "cannot sell on credit to Pakistan because of the Symington Amendment, it would be necessary to _____ (redacted sentence) finance Pakistani purchases. In this connection, the sale of Gearing-class destroyers to the Pakistanis would not particularly help them against the Soviets but would be of enormous political help in Pakistan." On the nuclear policy, Vance asserted that the administration should reaffirm its present position "specifically, that they would not build nuclear weapons, they would not transfer sensitive technology, and there would be no nuclear tests during Zia's regime." Carter stressed that the high level mission "should tell Zia that we are bound by law on the non-proliferation issue and can't change it, but let's try to get together on Afghanistan and work out the non-proliferation issue later."[88]

In his letter to Zia the next month, Carter assured Zia that the United States stood by its commitment under the 1959 bilateral Agreement of Cooperation. Carter wrote,

> The overthrow of the Afghan Government and occupation of that country by Soviet military forces represents a profoundly disturbing threat to the stability of the region and, most directly, to the security of Pakistan. In these circumstances, it is essential that there be no misunderstandings as to the commitment of the United States to the security and territorial integrity of Pakistan. The 1959 Agreement for Cooperation between the United States and Pakistan represents a firm commitment between our two governments which remains fully valid. I want you to know that the United States intends to stand by its commitments under this Agreement. I am particularly concerned with the crescendo of charges and threats emanating from certain quarters regarding the presence in your country of hundreds of thousands of unfortunate refugees fleeing oppression and violence in Afghanistan. In these circumstances, the United States reiterates that it considers the Durand Line to be the international frontier between Afghanistan and Pakistan and that our actions under the 1959 Agreement will reflect that fact.[89]

Later at another occasion, Carter highlighted the importance of Pakistan-U.S. relations to Zia reaffirming that, "it is of the greatest importance that the United States and Pakistan share a common appreciation of the situation and build a basis of trust for dealing with each other. In that context, specific issues, as important as they may be, can be addressed in a way that strengthens rather than weakens the overall relationship."[90]

It was believed by many in the administration that Pakistan would agree to halt progress on its nuclear program in return for resumption of aid since Pakistan did not have the resources to buy military supplies and equipment to safeguard its territory against any possible Soviet attack. But Pakistan attempted to use its nuclear program as a bargaining chip to negotiate lucrative military and economic aid packages with the Carter administration while retaining its nuclear option.

In his meeting with Pakistan's Deputy Chief of Mission, Ambassador Sultan Khan on January 4, 1980, Brzezinski reassured U.S. commitment to meeting Pakistan's security needs while stressing that "continuation of Pakistani "ambiguity" about its nuclear intentions" posed a difficult problem and even though the administration was "not making a specific linkage at this point, the Pakistanis must understand that cooperation, especially for the long haul, once the drama of the moment subsides, will be much easier if the "ambiguity" is resolved." Khan openly reiterated that "Pakistan could not abandon its nuclear efforts."[91] This statement by Khan was the first indication of the GOP's position on the nuclear 'problem', suggestive of a shift in Pakistan's candor thereafter.

In his review of assistance to Pakistan, Carter initially approved the following:

1. Legislation to exempt Pakistan from the provisions of the Symington Amendment to the Foreign Assistance Act including a reference to the non-proliferation assurances provided by the GOP.
2. $100 million in Foreign Military Sales (FMS) credit for FY 1980

3. $100 million in Economic Support Fund (ESF) for FY 1980
4. "Intent" to provide same amount for FY 1981
5. PL-480 (U.S. food assistance program under the Agricultural Trade Development and Assistance Act) to be increased by $10-20 million
6. International Military Education and Training (IMET) program of up to $600,000
7. Increase in U.S. refugee assistance of $6 million with a possibility of increase up to $25 million
8. No offer of advanced aircraft (F-16) to Pakistan[92]

Pakistan's reaction to the initial $400 million aid package announced by Carter was not as enthusiastic as some might have anticipated in the administration. Both Zia and Shahi made a case for increased military assistance to bolster Pakistan's defenses against an Indo-Soviet-Afghanistan nexus.

Zia and Shahi in their subsequent individual meetings with the U.S. Ambassador and the Secretary of State respectively alluded to their fears of an Indo-Soviet collusion for a communist aggression against Pakistan with the prospects of India acting as the "Soviet surrogate"[93] and requested that USG appreciate this qualitative change in the situation post-Soviet intervention. Agha Shahi visited Washington to meet President Carter to discuss the Afghanistan situation. Meanwhile, in an interview with U.S. press, Zia dismissed the two-year U.S. aid offer of $400 million, as "peanuts" stating that Pakistan could not "buy its security with $400 million. It will buy greater animosity from the Soviet Union, which is now more influential in this region than the United States."[94] In his attempt to secure long-term security guarantees for Pakistan, Agha Shahi

"requested that the US consider converting the present bilateral executive agreement of 1959 into a treaty…since he feared a future administration might repudiate an agreement."[95]

In order to convince Zia about the seriousness of U.S. commitment to Pakistan's security after the GOP's rejection of the aid offer, a presidential delegation visited Islamabad for talks with Zia and his team on February 2-3, 1980 led by Zbigniew Brzezinski (NSA) and Warren Christopher (Deputy Secretary of State). The Brzezinski-Christopher mission stressed that the aid offer made by the USG was deliberately "preliminary" and "initial" with substantial contributions to follow in years ahead. Addressing Pakistan's central concern regarding the 1959 cooperation 'treaty', the delegation submitted that USG was not prepared to "embark on the treaty-making process" given the difficulties it would cause in Congress and suggested that instead of engaging in a "theoretical discussion of the adequacy" of U.S. commitment, the need of the hour required "practical steps to demonstrate that the US-Pakistani security tie" was a "force to be reckoned with in the region." The delegation also underscored the danger to Pakistan's own security if it pursued a nuclear explosives capability and tested a nuclear device and stressed that while there would be international repercussions, Pakistan's relationship with the U.S. in the event of a nuclear test would alter considerably, risking long-term cooperation.[96]

In his exchange with the delegation, Zia reiterated his determination about seeking security guarantees from the U.S. not only against the Soviets but also against the Indians. On the nuclear issue, Zia stated that no guarantees on a nuclear explosion would be provided to the U.S. and suggested that instead of

seeking presidential waiver for non-proliferation legislation or revising economic or military aid, the administration should simply concentrate on talking about security guarantees. For several months following the Brzezinski-Christopher mission to Islamabad, U.S. policy towards Pakistan continued in a stalemate giving way to speculations about the credibility of the United States as a reliable ally amongst several Middle Eastern countries. Pakistan rejected the U.S. security assistance package, rejected the FMS credits and requested the USG to reconsider security and economic assistance to Pakistan in the form of "(a) debt rescheduling (b) quick disbursing program/commodity aid and (c) project assistance."[97]

The deadlock on the nature of U.S. security and economic assistance to Pakistan continued throughout the year till the time the two leaders met in person for the first time. Zia's visit to Washington on October 3, 1980 was planned two years earlier and his representation in Washington was on behalf of the Islamic Conference, a forum Zia had used effectively to play a crucial role during the Iran-Iraq war. The session between Carter and Zia was recorded as "warm and friendly." During the meeting, Zia did not raise the subject of security 'treaty,' and the two leaders also did not discuss Pakistan's nuclear issue. On the issue of economic assistance, Zia stressed the need for larger aid package from the U.S. mainly in the form of debt relief. Zia downplayed the subject of "bilateral assistance, recognizing the Symington problem and not wanting to appear as a suppliant."[98] The meeting ended on a cordial note with Zia appreciating U.S. commitment to Pakistan's security and Carter applauding Pakistan standing up to Soviet pressures.

Absence of discussion on Pakistan's nuclear issue and Zia distancing himself from seeking waiver on the Symington amendment was reflective of the fact that Pakistan was unwilling to compromise on its nuclear program and if economic assistance offered by the U.S. carried non-proliferation conditions, it was not welcome. With this change in Pakistan's attitude, the Carter administration lost any leverage it had over establishing a quid pro quo with Pakistan in terms of economic assistance to Pakistan in return for the GOP adopting a no-nuclear option. In his last letter to Zia as the President of the United States, Carter registered his regret to settle differences over Pakistan's nuclear program. He wrote,

> Please believe me when I say that we have not been motivated by any desire to limit Pakistan's peaceful development of nuclear power nor by fear that Pakistan would make its skills and knowledge available to untrustworthy nations. Our sole concern is that the security of all nations is better protected in a world free from nuclear proliferation. In all honesty, I think that the security of Pakistan in particular is ill-served by a program that appears to lead to the production of nuclear explosives. I hope you will reassess your country's position on this matter so that our two countries can collaborate more fully and with greater confidence.[99]

According to Thornton,

> By staking out clearly the areas of difference, Carter in fact laid the groundwork for a viable relationship focused on those narrow areas where American and Pakistani interests coincide, and insulated as much as possible from continuing irritations in those areas where their interests diverge. A second Carter administration might or might not have been able to complete the structure.[100]

However, as the outgoing president, Carter's choice of words was careful but the policies he pursued were opposite to the kindness he penned down.

The NNPA and the Tarapur Controversy

1980 was also the year which tested Carter's non-proliferation credentials with respect to the supply of uranium fuel for the Indian nuclear reactors at Tarapur generating a controversy.

Background

President Carter had signed into law H.R. 8638[101], the Nuclear Non-Proliferation Act (NNPA) in 1978 reaffirming the administration's commitment to non-proliferation goals of halting the spread of nuclear weapons while preserving the global right to nuclear energy. The NNPA was an attempt to control U.S. exports of nuclear materials and technology based on a comprehensive export licensing criteria urging recipient non-nuclear states to adopt full scope safeguards on their nuclear facilities. Under this Act, existing U.S. nuclear cooperation agreements with recipient nations were also to be renegotiated to make it NNPA compliant – it was a clause that challenged the Indo-U.S. peaceful nuclear cooperation agreement of 1963.

According to the Indo-U.S. 1963 agreement, U.S. had agreed to supply low enriched uranium fuel for the Indian nuclear reactors at Tarapur, for thirty years (the life of the reactors). The agreement required that India maintain safeguards on the U.S. supplied fuel, not undertake reprocessing without U.S. consent and not use enriched uranium for nuclear explosives. Even though India

conducted a peaceful nuclear explosion in 1974, it was still considered a non-nuclear weapons state according to the NPT and the NNPA of 1978 required that all non-nuclear weapon states place their nuclear facilities under full-scope international safeguards in order for the Nuclear Regulatory Commission (NRC) to license the applications for export of nuclear fuel, reactors and other sensitive nuclear technology. Furthermore, as stipulated in the NNPA, any applications submitted after September 10, 1979 and under which the exports were to be made after March 10, 1980, had to fulfill the requirement of safeguards. Since India did not have all its facilities under full-scope international safeguards, it was problematic for the NRC to provide new export license for applications for India after the September 10, 1979 deadline. However, the U.S. had two pending export applications for India awaiting shipments and since these requests for transfer of shipments were submitted to the U.S. prior to September 10, 1979, to be delivered before March 10, 1980, they were exempted from the safeguards requirements.[102]

Carter's Decision

The administration was caught in a dilemma once the NRC referred the applications to the resident when delays in considering the applications crossed the statutory cutoff date. According to a Congressional Research Service (CRS) report,

> On May 16, 1980, the NRC, by a 4-0 margin, decided that it could not find that the proposed export met the requirements of the Atomic Energy Act, and referred the applications to the President pursuant to Section 126b(2) of the Act. The NRC noted in its Memorandum and Order of May 16, 1980, that its inability to issue these licenses should not be read as a

> recommendation one way or another on the proposed exports. Rather, we have found that the particular statutory findings with which the NRC is charged cannot be made.

The decision now rested with Carter and he had the option of "approving the sale on grounds that its denial would be seriously prejudicial to the achievement of U.S. non-proliferation objectives or would otherwise jeopardize the common defense and security." According to the report, the State Department was of the opinion that the United States needed to "bolster its ties with India in view of developments in Iran and Afghanistan, and also to avoid rupture in Indo-U.S. nuclear cooperation that might lead India to terminate existing international safeguards on the Tarapur facility." Opponents of the authorization believed that India had "two years to renegotiate the Tarapur agreement to bring it into conformity with U.S. laws." Hardcore non-proliferation advocates in the administration and Congress nevertheless argued that the 1978 NNPA should not be compromised.[103]

Despite significant domestic support for withholding the fuel shipments to India[104], the Carter administration announced its decision to send shipment of enriched uranium to India on May 08, 1980. This U.S. decision was disturbing for its domestic and international audience especially since it came after the Indian Prime Minister Indira Gandhi's announcement on March 14, 1980 of conducting (more) nuclear tests in future if it served Indian national interest.[105] Carter signed an executive order on June 19, 1980 to authorize Tarapur exports stating the need for bolstering ties with South Asian nations that can play a role in checking Soviet expansionism, ignoring the fact that India was

actively pursuing defense and security cooperation with the Soviet Union even after its invasion of Afghanistan in 1979[106] – a fact that disturbed Pakistan to no end.

Pakistan's Reaction

Carter's decision to support India contravening the NNPA of 1978 provided Pakistan a card to play in its on-going negotiations with the U.S. on military aid with non-proliferation conditions at a time when Pakistan had become a critical ally against Soviet expansion in Asia. Pakistan maintained that India a) violated the terms of the 1963 Indo-U.S. nuclear cooperation and used U.S. supplied heavy water in its 1974 PNE and that b) its refusal to place all its nuclear facilities under full-scope safeguards would allow India to produce nuclear weapons in future (a grave security concern for Pakistan), especially when the resolve to conduct further tests was publically announced. The take home message for Pakistan then was that nuclear non-proliferation was a *flexible* item on Carter's foreign policy notwithstanding the rhetoric.

Given the evidence and how the turn of events took place, one can perhaps see it was difficult for Carter to balance between India and Pakistan at a time when the U.S. needed South Asian allies against the Soviet invasion in Afghanistan. However, Carter's faith in India supporting U.S. position against the Soviets was misplaced. Indira Gandhi who was back in power in 1980 had refused to condemn the Soviet invasion of Afghanistan and although it had come as a shock to many in America, there was little that could be done to change India's position. With Pakistan, realism kicked in and worked as well. Carter administration made an exemption for Pakistan on the Symington amendment so that economic and

military aid to Pakistan could be resumed. That was a compromise Carter made on U.S. non-proliferation policy to achieve other pressing foreign policy objectives.

Release of Tarapur shipments to India was not an easy decision for Carter. According to Dennis Kux in *Estranged Democracies,* the American press had heavily criticized Carter's decision. In its editorial, *The New York Times* argued, "if the United States yields on safeguards to the only nation known to have carried out an explosion…it can hardly expect other suppliers and receivers of fuel to give the protective stipulations a high priority." Kux documents Ambassador Gerard Smith's position on the issue who argued that "failure to provide the fuel would risk the loss of safeguards on Tarapur and undercut the US reliability as a nuclear supplier" and that there was "no question of yielding to India on safeguards since the shipments fell within the two-year grace period permitted by the law."[107] Kux maintains that Carter's fight for Tarapur shipments hardly proved worthwhile since it weakened the administration's "overall nonproliferation posture without substantially helping relations with India or advancing a solution to the problem."[108]

With Pakistan back in the game and having rejected $400m aid offer made by the Carter administration, General Zia awaited the incoming Reagan administration to finalize the terms of engagement with Pakistan hoping that it would turn a blind eye to Pakistan's nuclear program.

Notes

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52. Or Rabinowitz, Bargaining on Nuclear Tests: Washington and Its Cold War Deals (Oxford: Oxford University Press, 2014), 56

53. Mitchell Reiss, Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities (Washington, DC: Woodrow Wilson Center Press, 1995), 214

54. Chapter 10, Nuclear Nonproliferation Controls, Arms Export Control Act (P.L. 90-629), Sec. 101 (Symington amendment) and Sec. 102 (Glenn amendment)

55. Security Assistance Authorization, Proposed Amendment to S.1160, Hearing of the United States Senate Subcommittee on Arms Control, Oceans and International Environment, and Foreign Assistance Committee on Foreign Relations hearing, May 2, 1977

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57. Rabinowitz, Bargaining on Nuclear Tests, 112

58. This quote is from Leonard Weiss's email reply to my query on the origin and rationale of the Glenn amendment with respect to Pakistan.

59. Statement of spokesman of the Pakistan ministry of foreign affairs on the France-Pakistan deal for the supply of a nuclear reprocessing plant (reported version), Pakistan Horizon, Documents June-November 1977, Vol.30, No. 3/4 (Third and Fourth Quarter, 1977), pp.208-275; pg.272

60. Kux, Disenchanted Allies, pg.235. Kux provides no reference for Nye's visit to Pakistan and has also incorrectly documented the dates of his visit. Nye visited Pakistan on 29-31 July 1977 and not in 'September 1977'; the correct dates are corroborated by Pakistan's foreign ministry's statement and also by Vance's cable for Hummel. According to Kux, "Nye warned the Pakistanis that if they persisted with the French fuel reprocessing project, the United States would have to cut off economic assistance under the Glenn amendment to the foreign assistance act." Nye visited Pakistan as deputy to the under-secretary for security, science and

technology affairs and he was visiting Pakistan and India on his way from attending the second meeting of experts in Paris on INFCEP to discuss the program with his official counterparts in both countries. This information is available in a cable from Secretary State to Ambassador Hummel, "Visit of the Deputy to the Under Secretary, Joseph Nye," 21 July 1977 released from Wikileaks available at https://search.wikileaks.org/plusd/cables/1977STATE171019_c.html

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CHAPTER 3

REAGAN ADMINISTRATIONS' NON-PROLIFERATION POLICY TOWARDS PAKISTAN

Overview

Pak-U.S. relations took a turn for the better when Ronald Reagan became the President of the United States on January 21, 1981. Reagan's two terms in office from 1981 to 1989 secured waivers for Pakistan from the Symington sanctions and provided the GOP with a security assistance package (equal parts economic aid and military sales) totaling $3.2 billion in the first six years (1981-1986) and another $4.02 billion pledged in 1986 for the following six years. The Reagan administration, however, was dealing with a non-aligned, a more realistic and assertive Pakistan, signs of which were visible in Zia's dealings with the outgoing Carter administration and his dismissal of Carter's initial aid package as "peanuts". Even though the GOP needed U.S. support against potential Soviet aggression or the threat of possible Indo-Soviet collusion against Pakistan after the Soviet invasion of Afghanistan, it struggled to maintain its independence as a new member of the NAM to which it had been admitted in 1979 after its withdrawal from CENTO.[1] General Zia had established good relations with the Arab countries in the Middle East and was championing the cause

of Arab-Israel peace process on the forum of the Organization of Islamic Cooperation (OIC). Pakistan's NAM status had allowed it to play the 'neutral' card to extract more concessions from the United States when the latter tried to enlist the GOP to run covertly the Afghan jihad against the Red Army in Afghanistan.

Pakistan's Foreign Minister, Agha Shahi in his book *Pakistan's Security and Foreign Policy* wrote that Pakistan-U.S. relationship was 'redefined' on Pakistan's terms before Pakistan accepted the $3.2 billion security assistance offer by the Reagan administration.

Pakistan spelled out its terms of engagement with the new administration clearly, "one, Pakistan as a non-aligned country would not grant any bases; two, Pakistan would not become a party to any Middle East "strategic consensus" against the Soviet Union along with the US, Israel, Egypt and some other conservative Middle East states; three, Pakistan would not agree to become a conduit for the flow of US arms to the Afghan Mujahideen; four, the US would not make Pakistan's nuclear program the centre-piece of US-Pakistan relations." The U.S. however, clearly wanted Pakistan to be aware of the "negative impact of a nuclear explosion on the disposition of the US Congress to vote for the military sales and economic aid programme for Pakistan." [2]

According to General Khalid M. Arif, Vice Chief of the Army Staff and General Zia's right hand man, Pakistan was no doubt sensitive about its NAM status as a new entrant. Arif in his book *Working with Zia* writes,

> To the surprise of the Americans, Mr. Agha Shahi insisted and Mr. Ghulam Ishaq Khan [Finance Minister] agreed that the military component of the package must be fully paid for by Pakistan, in order to demonstrate her neutrality. General Zia went along with the views of his two ministers. There was unanimity on some issues. One, Pakistan should not compromise on her nuclear programme. Two, she should avoid becoming a conduit of arms supplies to the Mujahedeen. Three, she should not provide military bases to any foreign country.[3]

However, the terms of engagement did change between Pakistan and the United States over the course of eight years. Pakistan did become a covert conduit for the flow of U.S. arms to Afghan Mujahedeen and although the Reagan administration did not make Pakistan's nuclear program a centerpiece of the U.S.-Pakistan relationship, the U.S. Congress kept the issue alive. The passage of two Pakistan-specific non-proliferation legislations, the Pressler amendment and the Solarz amendment passed by Congress in 1985, agitated the GOP but since Pakistan was not sanctioned under those amendments during the second Reagan administration, Pakistan-U.S. relationship did not derail. Pakistan had, thus, little to complain about during Reagan's first and second terms. This was the beginning of the period of relative calm with respect to Pakistan's narrative of betrayal which would last the entire decade since the United States needed Pakistan's help in defeating the Soviets and Pakistan was in a position to leverage this U.S. dependency to gain maximum advantage, economic and military.

Pakistan-U.S. Bilateral Security Relationship and the Symington Waiver

The presence of Soviet forces in Afghanistan had created a dilemma for Pakistan that was compounded by Indira Gandhi's decision to abstain from voting in the UN on Moscow's

aggression. Given Pakistan's previous unsuccessful attempts to seek security guarantees from the U.S. against Indian aggression, the GOP knew that it could not afford to compromise on its NAM status. Therefore, its foreign policy demanded that the channels of communication be kept open with the Soviet Union and India during the Afghanistan crisis without straining relations with the U.S. Agha Shahi articulated Pakistan's foreign policy decision at the time as follows:

> The terms of the 1981 economic aid and military sales agreement with the United States…were so negotiated as to make them consistent with Pakistan's obligations as a member of the Non-Aligned Movement. To abandon non-alignment in favour of the role of a strategic ally of the United States without a credible guarantee against aggression from any quarter together with an assured flow of large-scale military aid including sophisticated weapons as well as more even-ended US attitude towards Pakistan's nuclear programme, would be to court peril to Pakistan's existence from the Soviet Union which now sits on its north-western border. There is no reason to believe that a future United States administration, whether Republican or Democrat, would be any more willing to extend security guarantee to Pakistan against aggression by India than the present US government or its predecessors. As a superpower with global interests, the United States has demonstrated time and again that it is not prepared to antagonise India by underwriting Pakistan's security in the event of an Indian threat. Therefore, any steps taken by Pakistan to strengthen its credibility as a non-aligned nation with the Soviet Union would not be incompatible with the nature of the present Pakistan-US connection.[4]

In order for the Reagan administration to pursue an aid relationship with Pakistan, congressional approval was required on a waiver for

the Symington amendment to allow the GOP to receive U.S. aid of the proposed $100 million in FY 82. In their testimony before the Subcommittees on Asian and Pacific Affairs and on International Economic Policy and Trade of the House Foreign Affairs Committee on April 27, 1981, the Deputy Assistant Secretary of State Jane A Coon and Mr. Leslie Brown, Deputy Director of the Bureau of Politico-Military Affairs, Department of State, testified on the administration's position on the proposed assistance to Pakistan. After the witnesses testified before the committee, Congressman Solarz asked Coon and Brown if the administration had sought explicit nuclear assurances from Pakistan in the context of the offer of $100 million in ESF for FY 82 concerning the GOP's apparent efforts to acquire the capacity to explode a nuclear device. But to the Senator's surprise, Brown answered that no such assurances were sought from Pakistan instead the administration 'anticipated' that if a stable security relationship between Pakistan and the United States was created including the possible provision of assistance, that would help 'mitigate some of the perceptions of insecurity' related to Pakistan's nuclear explosives program. [5]

On the issue of the Symington waiver, the Senate Foreign Relations Committee (SFRC) approved the waiver for the Symington amendment but only after making it conditional and time-bound, courtesy of John Glenn. Senator John Glenn (D-OH) had opposed the administration's proposal for a change in the Symington amendment's language. Glenn shared his views with the SFRC and proposed an amendment to the FAA of 1961 "which would affirm that the Congress is prepared to be responsive to Pakistan's needs for assistance, while limiting damage to the critically important non-proliferation regime.[6]

Glenn's proposed amendment approved by the Committee resulted in the adoption of Section 620 E of FAA of 1961, which reads as follows in *toto*:

> Sec.620E. Assistance to Pakistan. – (a) The Congress recognizes that Soviet Forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations. The Congress finds that United States assistance will help Pakistan maintain its independence. Assistance to Pakistan is intended to benefit the people of Pakistan by helping them meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development. In authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan. The Congress further recognizes that it is in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire nuclear devices. (b) The United States reaffirms the commitment made in its 1959 bilateral agreement with Pakistan relating to aggression from a Communist or Communist-dominated state. (c) Security assistance for Pakistan shall be made available in order to assist Pakistan in dealing with the threat to its security posed by the Soviet presence in Afghanistan. The United States will take appropriate steps to ensure that defense articles provided by the United States to Pakistan are used for defensive purposes. (d) The President may waive the prohibitions of Section 669 of this Act at any time during the period beginning on the date of enactment of this section and ending on September 30, 1987, to provide assistance to Pakistan during that period if he determines that to do so is in the national interest of the United States. (e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.[7]

A Pakistan-specific waiver to the Symington amendment for a fixed period of six years was therefore granted. The language of the waiver to the Symington amendment stipulated in Section 620 E was explicit – as long as the president *certified* for the next six years that Pakistan did not *possess* nuclear weapons and *would* not possess one in the future – aid was to continue. In addition to the certification, the President was also required to provide an annual report to Congress on Pakistan's nuclear activities in order for the Congress to ensure that aid transfers to Pakistan were keeping Pakistan non-proliferation compliant.

In his meeting with General Zia-ul-Haq on 14 June 1981 at the Chief of the Army Staff residence in Rawalpindi, Under Secretary of State for International Security Affairs, James L. Buckley presented administration's position on the U.S. economic and security proposals for Pakistan and shared his concerns about the delay in the GOP's acceptance of the administration's aid offer. General Zia told Buckley that the delay in deliberations from Pakistan's side was because they needed time to assess the entire package and see if it

met Pakistan's economic and military requirements. Zia was very categorical in telling Buckley how carefully Pakistan had to view the developing security relationship with the Untied States. He said,

> We walk a tightrope, and the moment we indicate a change from walking on a tightrope to association with the free world, we will face real Soviet pressures. We fear what the Soviets may attempt to do before October 1982 [referring to the first months of Fiscal 1983] and what do we do to meet that threat? If we are beaten, the people will lose faith. Meanwhile, we are at the bottom of the barrel in terms of equipment … I want no one to take liberties [with us], I want to keep the skies clear and give the army some muscle… but the needs are urgent that is why I have spoken of 'hot lease' or lend-lease arrangements…this is not an ultimatum. It is a very realistic submission…and the US must show its determination to assist Pakistan with some potent gesture. This is not a condition…but some dramatic gesture is necessary.

During their meeting, Buckley also brought up administration's concerns about Pakistan's nuclear explosive program and the requirement for the U.S. presidential certifications for any provision of aid to Pakistan to which Zia replied,

> Please testify on my behalf. I have told Ambassador Hummel half a dozen times, I have told the Indians, I have told others, that Pakistan has no use for a nuclear program other than peaceful. We have no intention of making nuclear weapons. We are acquiring the technology to make up for severe deficiencies in our energy needs for 1983 onward. Our program of enriching uranium is a simple research program, which would not be able to produce a weapons quality of enriched uranium for many years. We will not transfer any materials or technology to third parties. I told Mr. Hummel three years ago, I told him two years ago, I told him a year ago, and I tell him and you now that I am not making nuclear weapons. I have told you the truth, and we will never embarrass you on this.[8]

Buckley was satisfied with Zia's assurance on the nuclear program since it helped the administration's case for congressional approval on its proposed aid offer to Pakistan. On September 16, 1981 the House of Representatives, Committee on Foreign Affairs, Subcommittees on International Security and Scientific Affairs, International Economic Policy and Trade and on Asian and Pacific Affairs met again to hear testimonies from the administration on its military and economic aid package to Pakistan. By this time the proposed aid offer for the GOP was $3 billion for a period of six years with an additional proposed sale of F-16s to Pakistan. Buckley apprised the committee that the GOP had sought an aircraft from the U.S., which combined 'contemporary technology and an affordable cost in order to upgrade its existing limited capabilities in the vital area of air defense' and that F-16 met those requirements. As a sign of its commitment to Pakistan, the administration was willing to supply 40 F-16s to Pakistan from the production line that was developing F-16s for the NATO and USAF inventory since that was the only way to meet Pakistan's expedited delivery requests.

As per the International Security and Development Cooperation Act of 1981, $100 million in economic support funds (ESF) were earmarked for Pakistan for FY 82. The Senate bill (sec. 714) adopted by Congress also allowed the President to waive the prohibitions of Section 669 of the FAA 1961, "relating to transfers of nuclear enrichment equipment, for up to 6 years, solely for Pakistan, if he

determines that to do so is in the national interest of the United States, and disallows the use of the presidential waiver provided in section 670 of the Foreign Assistance Act if any non-nuclear-weapon country detonates a nuclear explosive device." A classified presidential report was required for "foreign assistance programs proposed by the administration for each fiscal year, for each year the waiver for Pakistan" was in effect, beginning with FY 1983.[9]

The House of Representatives cleared the Foreign Aid Bill on December 9, 1981 that allowed the administration to renew the economic and military assistance relationship with Pakistan. The House adopted an amendment through a voice vote proposed by Congressman Stephen Solarz (D-NY) whereby the aid to Pakistan was to promptly cut-off "if Pakistan was to develop or acquire atomic weapons" unless a waiver was requested by the President. Furthermore, the Congress retained the authority through this amendment to "veto any such waiver request by a majority vote of the two houses." The House then authorized "$200 million for Pakistan in current fiscal year [1981] and $275 million in the next [1982]."[10]

President Reagan used the Symington waiver on February 10, 1982 to begin a six-year security assistance program worth $3.2 billion for Pakistan marking the beginning of the U.S.-Pakistan security assistance relationship. Fig. 3.1 shows the U.S. Arms Supply to Pakistan from 1980 to 1987.

Pakistan's Negotiations to Get U.S. F-16 Fighter Jets in 1981-82

The Reagan administration was sympathetic to Pakistan's threat perceptions vis-à-vis the Soviets and the Indians and Pakistan did not waste any time in negotiating the deal to get the F-16 aircraft from the U.S. which provided it the much needed technological parity with India.

Peace Gate I and II

With the Reagan administration in office and increased Soviet military presence in Afghanistan, Pakistan was in a better bargaining position. Under the Peace Gate (PG) program, 40 F-16 aircraft 'valued at $1.1 billion' were to be sold to Pakistan under PG1 and PG2 programs. According to the PG 1 Letter of Offer and Acceptance (LOA), Pakistan was to receive "six F-16 aircraft (4A and 2B [2-seater] models from July through November 1982 with an in-country delivery date of December 1982, 12 months after LOA signature." Needed technical services were to be provided by 'General Dynamics Contractor Initial Support (CIS)' from December 1982 through February 1984. For PG 1, 'the total estimated LOA value was $241.4 million.' Under the PG II program, '34 F-16 aircraft (30A and 4B models)' were to be produced from 'December 1983 through September 1985 with initial in-country delivery in February 1984.' For this batch, the CIS was to last from 'February 1984 through May 1985.' For PG II, 'the total estimated value was $958 million.'[11]

Table 3.1. Cost Breakdown of Peace Gate I & II Programs ($ in million)[12]

	GATE I	GATE II
F-16A Aircraft	$35, 662, 000	$410,310,000
F-16B	74,688,000	56,504,000
Other Cost	122,591,000	452,894,000
Estimated Cost	**$232,941,000**	**$919,708,000**
Estimated Packing, Carting and Handling Cost	75, 845	414,949
Estimated G&A	6,817,200	27,427,050
Non-Standard Items	285,050	273,650
Estimated Supply Support Arrangement	-0-	-0-
Other Estimated Cost	1,095,758	10,260,945[13]
ESTIMATED TOTAL COST	**$241,214,853**	**$958,084,594**

The GOP paid the initial deposit of $1.1 million at the time of the LOA signature, which marked the beginning of the PG I program and 'continued with quarterly payments for eight payments until December 1983.' The payment schedule for PG II began with 'an initial deposit of $2.2 million at LOA signature, payments began in June 1982 with quarterly payments to be made until 15 December 1985.'[14]

The Negotiations

After the initial rounds of negotiations with the Reagan administration, Pakistan's Foreign Minister, Agha Shahi met

the U.S. Secretary of State, Alexander Haig in Washington on April 29, 1981 to continue their discussions on the U.S. security assistance package for Pakistan. In presenting GOP's demand for the aircraft, Shahi told the secretary that Pakistan's first priority was two squadrons of F-16s (forty planes) in addition to "speeded up delivery and quick conversion courses for its pilots." And in order to "bridge the gap between now and the actual delivery date", Shahi requested that the USG should consider providing Pakistan two squadrons of F-16s on 'hot lease'. Haig informed Shahi that expedited delivery of F-16s to Pakistan was a controversial issue because it meant providing F-16s to Pakistan from the production intended for the U.S. Air Force and would require a presidential determination to provide Pakistan the planes instead of the U.S. Air Force. Moreover, providing F-16s to Pakistan on 'hot lease' was also problematic since the issue of the sale of F-16s to Pakistan required congressional approval. However, given his discussions with the Saudis, Haig assured Shahi that he was hopeful about the availability of Saudi financing to make cash payments for the F-16s if the GOP approached the Saudis on the subject.[15]

Four months later, in his meeting with General Zia on 9 September 1981 in Islamabad, Undersecretary of State, James Buckley handed over Reagan's letter to Zia containing the aid offer and a confirmation on the sale of F-16 aircraft. Reagan offered six of the forty jets to be delivered to Pakistan within a year of the signing of the LOA on cash basis and the remaining within twenty-seven months of the conclusion of the LOA. Along with the forty F-16s, their support equipment, spare parts, technical assistance and training equipment was also to be supplied to Pakistan. Zia accepted the proposed U.S. aid offer without reservations and told Buckley

that the GOP was going to go public with the proposed U.S. aid package. However, he informed the undersecretary that the people of Pakistan still doubted U.S. dealings with Pakistan and wondered, "was U.S. reliable and would U.S. attach strings to sophisticated military equipment?" This was an apt plugin of Pakistan's narrative by General Zia that was to help shape Pakistan-U.S. relations in later years by pressuring the new administration 'to do more' from the beginning. Zia was pleased with the offer of six F-16s being delivered in the first twelve months but worried that the 'austere package of spare parts' (mentioned in so many words in Reagan's letter) suggested that they would not be combat operational. Buckley told Zia that under the present arrangement, it was not possible to provide the planes to Pakistan "with full maintenance equipment", however, he assured the President that upon delivery the planes would "be ready for combat if not up to full combat readiness."[16] Although Zia did not make an issue of the prospect of somewhat deficient operational equipment for the F-16s during the meeting, this subject resurfaced a year later. On September 15, 1981, Pakistan formally announced its acceptance of the administration's proposal for a $3.2 billion security assistance package for a six-year term and the Reagan administration in turn accepted the GOP's terms of engagement with the United States (as was articulated by Agha Shahi discussed at the opening of this chapter).[17]

The Indians were unhappy about the administration's decision to introduce F-16s in the subcontinent and arming Pakistan with the most sophisticated technology thus pushing them to approach the Soviets for new defense agreements. Some Indian defense analysts believed that the highly sophisticated F-16s would "match or beat the strike and defense capabilities of India's British-built Jaguars,

Indian-made MIG-21s, and Russian-built MIG-23s." Since cash sales between Pakistan and the U.S. were not covered by the Symington amendment, invoked against Pakistan in 1979, it was feared that Pakistan could theoretically put the F-16s in the air as soon as the planes were ready for delivery and the GOP was ready with its cash and its pilots trained.[18] For Pakistan, as documented by Dennis Kux in *Disenchanted Allies* F-16s were essential for two reasons. Citing Pakistan's Vice Chief of the Army Staff, General Khalid Mahmud Arif, Kux writes,

> First, the Pakistani military had concluded that the army could absorb the entire aid package and still not remedy major equipment deficiencies. But by using the bulk of the funds to acquire forty F-16s, the Pakistani air force could gain a capability that would last a generation and 'give us a slight edge over India and what forces there were in Afghanistan.' The second reason, Arif emphasized, was psychological. The F-16s would 'signal to the people of Pakistan that we have done something to improve our defense capability' and could 'give a damn good fight' against the Soviets.[19]

American critics of the administration's offer of F-16s to Pakistan argued that the sale would fuel the arms race between India and Pakistan and also suspected that Pakistan's real reason for the acquisition of these planes was to counter the Indian threat instead of the Soviet. The Senate Foreign Relations Committee (SFRC) debated and voted on the issue of F-16s on November 18, 1981. Winning the U.S. Senate Foreign Relations Committee's vote on the sale of F-16s to Pakistan was the second most important victory for the Reagan administration in its first year in office, the first being getting the Symington waiver. It convinced the GOP of

Reagan's commitment to help Pakistan facilitate the Afghan jihad and bleed the Soviets until their withdrawal from Afghanistan.

The ALR-69 Radar Warning Receiver (RWR) Issue and PAF's Requirement

The ALR-69 is a passive receiver that warns the pilot whenever any hostile airborne or ground radar is illuminating his plane or any radar that controls the launch of a guided air-to-air or surface-to-air weapon aimed at him is locked on to his plane. The warned pilot then initiates defensive and offensive actions appropriate to the threat. As Fig. 3.2 illustrates Pakistan started facing Soviet-Afghan air intrusions from 1980 onwards and if the F-16s came equipped with the ALR-69, they would have given Pakistan Air Force (PAF) pilots timely warning to either retaliate or disengage. Therefore, given the threat environment the PAF was operating in at that time, ALR-69 for the F-16s was a critical equipment to reduce the frequency of Soviet-Afghan air violations of Pakistan's airspace.[20]

The first time General Zia raised the issue of ALR-69 with the U.S. Ambassador to Pakistan, Ronald Spiers (who replaced Arthur Hummel) was during their 22 February 1982 meeting in Islamabad. Zia wanted to discuss several issues with Spiers, one of them was his fears about a possible Indo-Israeli attack on Pakistan's 'little nuclear facilities' on which Zia requested Washington's assessment of Israeli intentions and also requested if Washington could talk to the Israelis about this threat. Zia gave the reference of the Israeli attack on the Iraqi reactor to make Spiers understand that such a possibility existed and if it did happen it would "drastically set back his efforts to normalize things with India." Secondly, he informed Spiers about "increasing restiveness within Pakistan Air Force on F-16 equipment related

issues." Zia particularly referred to 'ALR-69' and told Spiers that there was a growing feeling in Pakistan that the U.S. was trying to "limit Pakistan to outdated ALR-49 system." Zia warned the Ambassador that "this issue was reaching serious dimensions and threatened to damage some of the good that had been done in recent months in U.S.- GOP relations." Spiers promised to bring the Secretary of State Alexander Haig up to speed on the issue and Pakistan's concerns.[21]

General Zia had accepted Reagan's invitation to visit Washington in December 1982 but a month before his visit, the GOP raised the issue of still pending avionics equipment's configuration of the F-16s especially the ALR-69, which could become a deal-breaker. According to Pakistan's Former Chief of the Air Staff, Jamal Ahmed Khan, "the Foreign Military Sales (FMS) staff was insisting that the PAF F-16s could only carry a less-capable ALR-46 while the PAF said it would only accept the ALR-69."[22]

Ambassador Spiers, in his cable to Secretary of State George Shultz informed of a 3 November 1982 meeting between Congressman Charles N. Wilson (D-TX) and Pakistan's Air Chief Marshal, Anwar Shamim in which the latter had told the congressman that "the GOP would not accept delivery of F-16's, including six due to arrive in December, unless they are equipped with ALR-69." In Shamim's opinion, the Pakistan Air Force intended to defend Pakistan's airspace against Soviet and Afghan incursions but engaging Soviet/Afghan aircraft without ALR-69 would result in downing of a F-16 which would "strike at the credibility of the GOP and raise doubts in the people's minds about the GOP's ability to defend Pakistan." Shamim made references to the Soviet-Afghan incursions into Pakistan's airspace, one having occurred

a day before their meeting, on November 1, when an Afghan aircraft had penetrated nine miles into Pakistan. In total, 91 such airspace violations had occurred in 1982 and Pakistan, Shamim said, did not have the equipment to react. The Air Chief made the case for an airborne electronics and radar capability given that the western part of Afghanistan was hilly and ground based radar and electronics would be ineffective. According to Jamal Ahmed Khan, Air Chief Shamim's argument was "meant to neutralize the USG's 'NATO exclusivity/sensitivity' rationale for the non-release of the ALR-69 and also to reinforce Pakistan's pre-condition for a standard USAF configuration for the Pakistani F-16s" wherein PAF's justification lay in the fact that "all the threat radars that its pilots would encounter from Afghanistan would be similar to those that the NATO pilots were facing from Eastern Europe." JAK argues that "this rationale was both accurate and convincing in eventually clearing up the ALR-69 controversy through Congress." [23] According to Spiers, Air Chief Shamim did not belong to Zia's inner circle and that it was difficult to determine from his statement if he was speaking on behalf of the GOP. Spiers therefore advised Haig not to confront the GOP on the issue and let the scheduled shipment of six F-16s arrive in Pakistan as planned unless informed otherwise by the GOP.[24]

It turned out that Shamim's word was 'the official word' and that Spiers was incorrect in his assessment about the Air Chief. Two days later, Spiers wrote to Shultz once again about the F-16/ALR-69 issue and informed the secretary that Deputy Chief of the Air Staff, Jamal A. Khan (who succeeded Shamim as the Air Chief Marshal in 1984) had informed the Chief of Office of Defense Representative, Pakistan (ODRP), that Shamim's statement on the GOP not accepting the first

batch of six F-16s without ALR-69 was the 'official government of Pakistan policy and not just Pakistan Air Force policy.'[25]

A week later when General K.M. Arif, Vice Chief of Army Staff, informed the Undersecretary of State for Political Affairs, Lawrence Sidney Eagleburger, during latter's visit to Islamabad, of the same echoing Shamim's words, Ambassador Spiers panicked. Since General Arif was considered to be Zia's right-hand man, Spiers wrote to Shultz stating that Arif making the statement meant that Zia would refuse the F-16s shipment due to arrive in Pakistan on 2 December 1982 if it was not equipped with ALR-69 and instead would prefer no shipment be sent until the issue was resolved.[26] Prior to his arrival in the U.S., General Zia met Vice President George H.W. Bush and George Shultz at the Soviet General-Secretary of the Communist Party, Leonid Brezhnev's funeral on 15 November 1982 and discussed the ALR-69 issue where he was assured that some 'solution' would be worked out.

With Zia's impending visit to Washington within days of his meeting with Bush and Shultz, the administration was caught in a serious bind over the issue. Shultz was worried about the optics of the U.S.-Pakistan security relationship if the issue was not resolved before Zia's arrival on December 6, 1982. However, he decided to push the issue one last time perhaps to see if the GOP was serious enough about their threat of not receiving the F-16s without ALR-69. In his message to Ambassador Spiers on 19 November 1982, Secretary Shultz directed him to inform the GOP that by introducing the 'new' condition that the GOP would not accept the first six F-16s if they are not equipped with ALR-69 now threatened indefinite delay in delivery of the aircraft due to the unavailability of ALR-

69 for early installation. In addition, Shultz asked Spiers to inform the GOP that, "indefinite delay caused by Pak decision, after our [U.S.] earlier efforts to accelerate delivery, could raise serious doubts in Congress and security assistance community about the overall direction of the sales/assistance program for Pakistan and would certainly be interpreted publicly here and in Pakistan as a major U.S.-Pak confrontation." Shultz regretted the GOP's decision and stated that this information would be kept private but given the number of people who knew about the delivery schedule, leaks were likely, however, USG would 'play down any suggestion of controversy' and hoped the GOP to do the same.[27]

Interestingly, the news leaked out. Two weeks before Zia's arrival in the U.S., an article in the Indian press *The Statesman* by Warren Unna, a Washington based correspondent of the newspaper, reported on Pakistan requesting delay in the delivery of the first six F-16s due to radar issues. U.S. Deputy Chief of Mission in Islamabad, Barrington King, feared that given its timing, the news was going to become an ongoing story during Zia's visit which would not only give the critics of the deal in the U.S an opportunity to exploit USG-GOP differences but would also provide critics in Zia's establishment a chance to say that "the U.S. is incapable of keeping its commitments."[28] On 27 November 1982, Shultz directed Spiers to inform the GOP that USG was prepared to "release the ALR-69 to Pakistan contingent upon Pakistan's acceptance of US on-site inspection of the ALR-69 on a random basis in accordance with Para 6 of the GSOMIA."[29] If Pakistan were to accept that condition, Shultz wrote, the USG would make "every effort to ensure that the system is delivered along with the first of the thirty-four Peace Gate II Aircraft." The six F-16s ready to leave for Pakistan were fitted

with standard ALR-69 wiring and were "configured so that the system could be installed once the software package was developed however the components were not in the aircraft because of the past uncertainty of releaseability." Shultz further instructed Spiers to inform the GOP that USG was prepared to reschedule the delivery of the F-16s, however, "further delay in the delivery of the first six aircraft until the software package is ready will entail substantial storage costs, additional costs for the rephrasing of the contractor interim support team and the loss of months of hands-on in-country operational training for their personnel with a consequent degradation of their capability," nevertheless, this decision 'on delivery or storage' was the GOP's to make.[30]

DCM King shared Shultz's message with Pakistan's Foreign Secretary, Niaz A Naik, who appeared positive about the news of the release of ALR-69 for the remaining aircraft. However Naik told King that "during lengthy discussion that led up to the decision to request postponement, General Arif several times asked Air Force Chief [S]Chamim to explain the hardware/software problem to him" which led King to believe that it was likely that "Arif played a major role in postponement decision and he may have not have understood the problem at all at that time."[31] On 29 November 1982, King shared GOP's response with Secretary Shultz on the release of ALR-69. The GOP appreciated the decision to release ALR-69 and had no objection on the condition of inspection but had difficulty understanding USG's position on the software and preferred to wait for the first six F-16s to "be fitted with a completely operational ALR-69 RWR before taking delivery." Furthermore, the GOP did not feel that "any additional costs should be its obligation." Naik informed King of the meeting

on this issue between General Zia, General K.M. Arif, Air Force Chief Shamim and himself and said that it was Zia's decision to reaffirm that the GOP would not accept immediate delivery of the F-16s without the RWR. On the difficulty of USG fitting the RWRs on the first six planes, Naik indicated that "….it was the GOP view that considering work that had already been done it should not take all that long to get the software ready." Naik read out the aide memoire prepared for King which stated: "(A) be that as it may, the GOP would not wait for the first six aircraft also to be fitted with complete operational systems before taking delivery and (B) PAF being directed to get immediately in touch with USAF regarding any additional data required" (given that PAF had already provided the necessary technical information to USAF in March 1982). Overall, King rightly assessed that the GOP was having trouble accepting USG's argument that development of software package will require considerable time and wanted things to speed up so that it could receive the first six F-16s fitted with the ALR-69 without much delay.[32]

U.S. Decision on ALR-69

The administration complied and the issue was resolved before Zia's arrival in Washington. General Zia met Reagan as scheduled on 7 December 1982 and their discussion made no mention of the ALR-69 issue and discussions on Pakistan's nuclear program were only held privately between the two leaders. Section 4 of the Arms Export Control Act precluded extension of credits or guarantees under that Act in connection with the Sale of 'sophisticated weapons system' to underdeveloped countries until the President determined and reported to Congress that such financing was important to the national security of the United States. And

therefore, a Presidential Determination (PD) was required in order for the administration to sell the GOP F-16 aircraft. Moreover, the President also had to certify to Congress that he had reliable assurances from the country that transfer of sensitive U.S. defense equipment, materials or technology would not take place.

With respect to Pakistan, Reagan provided a Presidential Determination on January 3, 1983, which stated that supply of F-16s (with ALR-69) to Pakistan was in the national security interest of the United States. The PD No. 83-4 read as follows:

> Pursuant to the authority vested in me by Section 4 of the Arms Export Control Act, I hereby determine that the financing under the Arms Export Control Act of the sale to Pakistan of F-16 aircraft, together with associated equipment, munitions, and services, is important to the national security of the United States. Pursuant to the authority vested in me by Section 163 of the second Joint Resolution appropriating funds for fiscal year 1983 (P.L. 97-377), I hereby certify that I have reliable assurances that Pakistan will not transfer sensitive United States equipment, materials, or technology in violation of agreements entered into under the Arms Export Control Act to any communist country, or to any country that receives arms from a communist country.[33]

The certification on 'reliable assurances' received from the GOP on non-transfer of sensitive U.S. defense equipment and materials was based on its agreement with the United States on General Security of Military Information Agreement (GSOMIA). This agreement established "principles governing the protection of classified military information exchanged between the two governments, such as technical data or equipment sold on an FMS basis or

provided through intelligence exchanges and joint planning." According to the agreement, both countries had agreed to allow security experts to "make periodic visits to its territory to discuss procedures and facilities for the protection of classified military information," in addition to investigating "all cases of suspected disclosure of classified military information and take corrective action to preclude recurrences." The administration had received specific written assurances from General K.M. Arif "committing Pakistan to the full protection of sensitive U.S. defense articles."[34]

Pursuant to the PD, the administration not only speeded up the deliveries of the F-16s, it also decided to equip the PG aircrafts with ALR-69. The first six F-16s arrived in Pakistan in 1983 and were retrofitted with ALR-69 by 1984.[35] However, the next batch of F-16s that arrived in Pakistan in 1984 came equipped with ALR-69. As of 1984, Pakistan had taken delivery of fifteen F-16 aircrafts, six from PG 1 and nine from PG II and had paid the entire cost of PG I.[36]

Soviet-Afghan Air intrusions: Role of The F-16s

The frequency of Soviet-Afghan air violations across the Durand Line increased dramatically during 1986-87 as shown in Fig. 3.2, well after the deployment and commencement of round-the-clock armed patrols by the PAF F-16s. According to Air Force Chief, Anwar Shamim's logic, possession of F-16s equipped with ALR-69 in PAF's inventory should have resulted in a decrease of air violations and casualties, but PAF had little success against the Soviet-Afghan air intrusions albeit not without reason. Jamal Ahmed Khan who was the Deputy Chief of Air Staff at that time and later the Air Chief recalls that:

> [Air Chief] Shamim's logic [of wanting the F-16s for PAF] did not claim that Pakistan could seal the Afghan border with the F-16s. [For the PAF] that task was made very difficult against hit-and-run attackers owing to the political restrictions [placed] on the PAF pilots [by the GOP] that forbade their crossing the Afghan border (even in hot pursuit) and also demanded that PAF pilots could shoot down only those enemy aircraft whose wreckages were sure to fall over the Pakistani territory. The evident underlying objective was to avert a sudden and uncontrollable 1962-like confrontation between Moscow and Washington.

Through this unique political directive to the PAF, the GOP had enforced strict policy restrictions but the PAF employed the F-16s and its other fighter planes in a manner as consistent with that policy as was tactically feasible.

Table 3.2. Pakistan's Ground And Air Violations By Soviet-Afghan Aircraft/Artillery[37]

Violations Year, Air , Ground Total				Casualties Air, Ground, Total		
1980	192	---	192	Statistics not Available		
1981	120	27	147			
1982	67	26	93			
1983	102	125	227	11	8	19
1984	165	129	294	277	165	442
1985	348	405	753	107	50	157
1986	774	663	1,437	152	308	460
1987	657	778	1,435	723	310	1,033
1988	292	435	727	85	165	250
1989	13	11	24	---	1	1
TOTAL	2,730	2,599	5,329	1,355	1,007	2,362

Commenting on PAF's predicament against increased air violations, former Air Chief, Jamal Ahmed Khan in his interview for this book recalls that,

> The Soviet-Afghan air intrusions did sharply escalate in 1986-87 despite the increasing number and frequency of the F-16 combat air patrols (CAPs). The Red Army made these the two most violent years of the war, while attempting to crush the Mujahedeen resistance. Synchronising with this Soviet-led surge in 1986, treaty-partner India tried to divert Pakistan's west-assigned resources and preoccupation by initiating a massive armed forces mobilization (called Exercise Brass Tacks) on Pakistan's eastern border. From early 1986, the Indian Air Force began moving to forward airfields and repeatedly rehearsed for air strikes on Kahuta, one of Pakistan's nuclear facilities. In June the same year, Moscow also warned the Pakistani president that his country's nuclear facilities may come under Soviet attack if Pakistan did not change its Afghan policy.

On the extent to which the F-16 patrols were successful in deterring Afghan border intrusions, Khan said,

> "…they obviously did, and a very large number of Soviet-Afghan intruders were forced by the F-16s to turn back before completing their attacks. The PAF destroyed the maximum number of Soviet-Afghan planes during the same year, without losing any aircraft in the war. Also, in a post-war meeting with a former Pakistani F-16 squadron commander, a Soviet counterpart and Afghan war veteran disclosed that the presence of F-16 CAPs greatly degraded the bombing accuracy of his pilots.[38]

In this backdrop, Pakistan Air Chief, Shamim's propositioning for the inevitability of the F-16s to counter the Soviet threat was a strategically smart move. While the intended immediate need for the F-16 was to counter the Soviet threat, it also served against the Indian threat and helped Pakistan achieve technological parity with the Indian Air Force for a brief period of time. Pakistan played its cards well and extracted the best deal out of its relationship with the United States in the final decade of the Cold War.

Pakistan's Nuclear Progress and U.S. Non-proliferation Laws

Pak-U.S. security assistance relationship flourished during the first Reagan administration. Table 3.3 provides a comprehensive overview of the U.S. Security Assistance Program of the sales and deliveries made to Pakistan between 1981 and 1986, however, it had little to no impact on the progress of Pakistan's nuclear program. Pakistan's uranium enrichment project achieved critical milestones towards the end of Reagan's first term.

Table 3.3 Overview of U.S. Security Assistance Program: Sales and Deliveries to Pakistan 1981-1986[39]

I. Dollar Increase in Foreign Military Sales ($ in millions)

FY 1979	$20.8
FY 1980	$28.8
FY 1981	$58.3
FY 1982	$1520.0
FY 1983	$147.3
FY 1984	$207.8
FY 1985	$250.9
FY 1986	$178.0

II: Pakistan Program Deliveries

Mission Area/Item Description Air Defense	Total Quantity	Amount Delivered
F-16 Aircraft	40	40
AIM-9L Missiles	500	100
Redeye Missiles	100	100
Stinger Missiles	120	120

Mission Area/Item Description Anti-Armor	Total Quantity	Amount Delivered
M48A5 Tanks	200	200
N901 Improved TOW Vehicles	24	24
AHIS Helicopters	20	10
I-TOW Missiles	7,550	7,550
TAS-4 Night Sights	100	2
M344 106MM Heat CTG	20,000	20,000
M456A2 105MM Heat-T CTG	5,000	5,000
M735 105MM APFSDS-T CTG	5,000	5,000
M724 105MM DS-TP CTG	2,500	2,500
M490 105 MM TP-T CTG	5,000	5,000

Mission Area/Item Description Fire Power	Total Quantity	Amount Delivered
M110A2 SP Howitzer	40	40
M109A2 SP Howitzer	152	64
M198 TOWED Howitzers	95	75
AN/TPQ-36 Radars	15	6
M106 8" HE Projectiles	17,000	9,002
M107 155MM HE Projectiles	20,000	20,000
M549A1 155MM HE RAP Projectiles	12,000	6,000
M650 8" HE RAP Projectiles	4,002	0

Mission Area/Item Description Sea Defense	Total Quantity	Amount Delivered
Harpoon Missiles	36	2
CIWS	7	3
SBROC	400	0
OTHER		
M88A1 Recovery Vehicles	35	35
M11342 Armored Personnel Carriers	75	75
PVS-5 Night Sights	500	500
TVS-5 Night Sights	100	100
PVS-4 Night Sights	100	100
TAS-6 Night Sights	100	59

III. U.S. Assistance Program For Pakistan[40]

FY 1982-1987 ($ in millions)

Fiscal Year	FMS Credits	ESF	DA	P.L.480	IMET
82	-	100	-	50	0.6
83	260	200	-	50	0.8
84	300	225	-	50	0.8
85	325	200	50	59	1.0
86	311	239	24	50	.9
87	340	250	25	50	1.4
Totals	1,536	1,214	99	309	5.5

Total (Military): $ 1.541.5
Total (Economic): 1,622.0
Grand Total: $3.163.5

There were concerns in the West about Pak-China nuclear cooperation in the early 1980s in exchange for Pakistan's assistance to China for centrifuge technology. Feroz Khan writes that Zia

sought cooperation from China, and as a result of his overtures, Pakistan "received the Chinese CHIC-4 weapon design along with fifty kilograms of HEU in 1981, material sufficient for two bombs." This was confirmed by A.Q. Khan in a letter to his wife in 2004 in which he wrote, "The Chinese gave us drawings of the nuclear weapon, gave us 50 kg of enriched uranium, gave us 10 tons of the UF6 (natural)[uranium] and 5 tons of UF6 (3%) [enriched]."[41] A dossier on A.Q. Khan network published in 2007 by the International Institute of Strategic Studies (IISS) reported on Pakistan's bomb designs and Chinese cooperation as follows:

> It is reasonable to assume that Pakistan has at least two different basic nuclear weapon designs. The first was developed by PEAC and was intended to be carried by PAF aircraft. Its yield is reported to be 10-20 kilotons. The second is a 15-25 kt HEU warhead of Chinese origin meant to be carried by aircraft or ballistic missiles. This design came from the fourth Chinese test in 1966. By 1983, US intelligence was aware that Pakistan was in possession of this design. In 1998, A.Q. Khan seemed to confirm the design's origin when he stated that there was no technical need to proceed with hot tests, since Pakistan had a design of 'proven reliability.'[42]

According to U.S. intelligence estimates in 1983, Pakistan was still two to three years away from overcoming operational difficulties related to uranium enrichment. A State Department briefing paper on Pakistan's nuclear program on June 23, 1983 began its review of the program by stating that,

> There is unambiguous evidence that Pakistan is actively pursuing a nuclear weapons development program. Pakistan's near-term goal evidently is to have a nuclear test capability, enabling it to explode a nuclear device if Zia decides it's appropriate for diplomatic and domestic political gains. Pakistan's long-term goal is to establish a nuclear deterrent to aggression by India, which remains Pakistan's greatest security concern. In enrichment Pakistan is embarked on an effort to build a gas centrifuge facility capable of producing high enriched uranium. The program uses European technology (the designs for the machines were stolen by a Pakistani national) and has involved energetic procurement activities in various countries. We believe the ultimate application of the enriched uranium produced at Kahuta, which is unsafeguarded, is clearly nuclear weapons.[43]

The State Department briefing paper rightly predicted Pakistan's nuclear ambitions and the timeline of its progress in overcoming technical difficulties related to uranium enrichment. But for PAEC, 1983 was a successful year. Feroz Khan writes that "the PAEC had developed the expertise to measure the yield and efficiency of their device" by 1983. In his interview with Feroz Khan, Chairman PAEC, Munir Ahmed Khan recalled, "On March 11, 1983, we successfully conducted our first cold test of a working nuclear device. That evening I went to General Zia with the news that Pakistan was now ready to make a nuclear device." Dr. Samar Mubarakmand, who succeeded Munir Ahmed Khan as Chairman of PAEC, also told Khan in an interview that "Pakistan's nuclear capability was confirmed the day in 1983 when the PAEC carried out cold nuclear tests…the tests, however, were not publically announced because of the international environment of stiff sanctions against countries that sought to acquire nuclear capability."[44] Thereafter, Pakistan also overcame difficulties with uranium enrichment. Feroz Khan documents that it took Kahuta Research Labs (KRL) under A.Q. Khan's leadership, two years

(from the time of that assessment) "to produce enough weapons grade uranium for one nuclear device."[45]

Despite having 'unambiguous evidence' on the progress of Pakistan's nuclear activities to develop a nuclear explosive device, President Reagan submitted his report to the Speaker of the House of Representatives, Thomas P. O'Neil, on June 24, 1983 assuring Congress that his administration was in control of the situation with respect to Pakistan's nuclear activities. Reagan wrote,

> As you know, we are particularly concerned with Pakistan, and believe that our new security relationship and assistance program are our most effective weapons in dissuading the Government of Pakistan from pursuing a nuclear weapons program. We have made it clear to the highest levels of the Pakistani Government that the development of nuclear explosives would be inconsistent with the continuation of U.S. security and economic assistance.[46]

Under the International Security and Development Cooperation Act of 1981, Reagan had to submit an annual report to Congress on Pakistan's nuclear program. This report was prepared by the Department of State in collaboration with other departments and agencies. The heavily redacted report, a copy of which has been declassified by the Ronald Reagan library and archives, provided a modulated version of the status of Pakistan's nuclear program to Congress. This declassified report has never been published before. The following excerpts from the report provide critical insight about the U.S. administration's non-proliferation policy and how effective it believed the U.S. security assistance was to keep Pakistan from nuclear proliferation. The report stated,

> We do not expect Pakistan to detonate a nuclear explosive device in the near future for both technical and political reasons. President Zia has assured us, and stated publicly that Pakistan will not develop a nuclear explosive of any kind. However, Pakistan's unsafeguarded nuclear program, which could contribute to a nuclear explosive capability, has not halted and remains a subject of concern. We are monitoring the Pakistani nuclear program very closely and believe that our security assistance program provides the best inducement to Pakistan to pursue a strictly peaceful nuclear program.
>
> Pakistan continues to order and procure equipment abroad for its unsafeguarded enrichment and reprocessing facilities as well as machine tools, some of which we believe could be intended for making the non-nuclear components of a nuclear explosive device. Through coordinated international export controls, the U.S. and other nations continue to impede these procurement activities, thereby buying time for efforts to reduce Pakistan's political and security motivations for acquiring nuclear weapons by meeting its legitimate security needs.
>
> Prior to renewal of our security assistance program, the Government of Pakistan had refused to renounce the development of "peaceful nuclear explosives." In the context of our renewed economic and security assistance, we have received repeated high level assurances including those by President Zia that Pakistan has no intention of manufacturing or testing a nuclear device of any kind. This, in itself, is an important step.[47]

By the mid-1980s, however, the U.S. intelligence agencies, the administration, and the Congress were quite familiar with A.Q. Khan's name and his international procurement network of nuclear technology and components. And despite Zia's public and private assurances echoing in Reagan's Congressional determinations, there were few who believed there was a real chance of dissuading Pakistan from going the nuclear weapons route.

The Pressler Amendment: Saving the Pakistan-U.S. Security Relationship

On March 28, 1984 the Senate Foreign Relations Committee adopted an amendment to the already amended Foreign Assistance Act of 1961 by two Democrat Senators, Senator Alan Cranston (D-CA) and Senator John Glenn (D-OH) by adding the following text after the Section 620 E:

> (e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan pursuant to the authorities contained in this Act or any other Act unless the President shall have certified in writing to the Chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, during the year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device, is not developing a nuclear explosive device, and is not acquiring, overtly or covertly, technology, materials, or equipment for the purpose of manufacturing or detonating a nuclear explosive device.[48]

But this amendment was reconsidered and deleted on April 3, 1984 by the SFRC after a narrow vote in favor of a revised amendment.

The administration thought that the Cranston-Glenn amendment was too stringent in its provision requiring the President to certify that Pakistan was not *developing* nuclear explosive device and was not *acquiring* technology and equipment to develop one.

After some informal discussions on the floor of the SFRC, three Republican Senators, Senator Larry Pressler (R-SD), Senator Charles McC. Mathias Jr. (R-MD), and Senator Charles Percy (R-IL) co-sponsored a revision to the original Cranston-Glenn amendment which was acceptable to the administration. The proposed language, which was reported in Section 1007 of the International Security and Development Cooperation Act of 1984, made U.S. economic and military assistance to Pakistan conditional upon two certifications, one factual and one judgmental.[49] The SFRC adopted this provision on April 4, 1984 by a 9-8 vote, but it was not enacted in 1984. Instead it was enacted in a separate bill in August 1985, and since then Section 620 E (e) of the FAA of 1961 has been called the Pressler Amendment. It reads as follows:

> Sec 620 E(e) No assistance shall be furnished to Pakistan and no military equipment or technology shall be sold or transferred to Pakistan, pursuant to the authorities contained in this Act or any other Act, unless the President shall have certified in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, during the fiscal year in which assistance is to be furnished or military equipment or technology is to be sold or transferred, that Pakistan does not possess a nuclear explosive device and that the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.[50]

For the certification on Pakistan's non-possession of the nuclear explosive device, a factual finding was needed whereby the POTUS was required to review all relevant intelligence information and analysis about Pakistan's nuclear weapons related activities and report to the Congress that Pakistan *did not possess a nuclear explosive device*. The second part of the certification was based on a judgmental finding whereby the POTUS was required to testify on the non-proliferation *impact* of the U.S. assistance to Pakistan in *reducing the risk* that Pakistan would ever possess nuclear explosive device. A report by the legal advisers at the State Department analyzed the Pressler language and argued,

> It is clear that if a country has either manufactured or otherwise obtained an assembled nuclear explosive device, it possesses such a device. Further, it seems clear that if a country has all the necessary components and can assemble them into a functioning device, but they are disassembled and kept either at different rooms of the same building, in different buildings, or in different locations, the country possesses such a device. This latter view is justified because a country may decide to keep a device unassembled for safety reasons, and may be in a position rapidly to assemble it upon a decision to do so. The Congressional intent in enacting the provision would be vitiated if Pakistan could avoid the prohibition by having the disassembled components of a device ready for assembly on short order.

On the *possession* certification the report stated,

> It would seem equally clear that a country does not possess a nuclear explosive device if one or more of the essential elements required to assemble a device – non-nuclear parts, nuclear material, technical capabilities, or the ability to integrate them into a functioning device – are lacking. Such an element may be lacking either because the country has not reached the stage of development technically necessary to achieve completion, or because it has made a policy decision not to proceed with that step. In either event, what the country possesses is not yet a "nuclear explosive device."

However, the report maintained that the finder of the fact about a country possessing a nuclear device should be alerted to the consideration that there are 'grey areas' between 'possession and non-possession'

> If a country has made a policy decision to halt development of its capabilities two days short of having everything in place to possess a nuclear explosive device, it would seem inappropriate to determine that they did not possess such a device. If the country had decided to stop its development program one year short of completion, it would seem inappropriate to determine that it did possess such a device. The longer the amount of time the more significant the policy constraint is and the more uncertainties there are about whether a country would ultimately be in a position to possess such a device.

On the *non-proliferation impact* the report stated,

> Obviously, this certification is only an issue if it is determined that the certification that Pakistan does not possess a nuclear explosive device can be made. Assuming, therefore, that the former certification is warranted, whether the second certification should be made requires a subjective judgment based on the prediction of future events. It may also be borne in mind that the more imminent it appears that Pakistan will

> possess a nuclear explosive device, the less credible the argument becomes that the assistance program will significantly reduce that risk. Nevertheless, if a significant component of a nuclear explosive capability is lacking, either because of technical or policy constraints, it is clearly possible and justifiable for a policy-maker to make the second certification.[51]

This report was still not the official version of how the State Department interpreted the Pressler language but it did highlight the innuendos in the amendment's language which could have allowed Pakistan to avoid Pressler sanctions had the administration chosen to give Pakistan a heads-up by sharing the text with the GOP. However, there is no evidence that the administration provided such a lead to the GOP.

The language of the Pressler amendment was ingenious for it favored the continuation of economic and military assistance to Pakistan by using terms like 'possession' of a nuclear explosive device – ambiguous enough to be open to interpretation. This ambiguity enshrined in the language of the amendment also gave the President enough flexibility in case his certifications were later challenged in the court of law. The President could say that he made the certification based on his best judgment given the available intelligence at the time on Pakistan's nuclear activities. And as is obvious, intelligence on any country's nuclear explosives program that is being run clandestinely could never be complete since facts about the program would always be shrouded in secrecy, making it unreasonable to expect foolproof intelligence.

Two years later in 1987, the office of legal advisor at the State Department officially defined how 'possession' was understood by

the administration. This definition was published in the hearings of the House Foreign Affairs Committee and reads as follows:

> In assessing the question of "possession" under Section 620 E (e), two considerations are key, recognizing that it is the President who must make any ultimate judgment. First, the statutory standard is whether Pakistan possesses a nuclear explosive device, not whether Pakistan is attempting to develop or has developed various relevant capacities. Formulations that would have required certification of the absence of activities relevant for the development of a nuclear explosive device were rejected by the Congress in favor of the current statutory language requiring certification of non-possession. A distinction must therefore be drawn between the ability to achieve possession of a nuclear explosive device, and actual possession of such a device. Second, a state may possess a nuclear explosive device, and yet maintain it in an unassembled form for safety reasons or to maintain effective command and control over its use or for other purposes. The fact that a state does not have an assembled device would not, therefore, necessarily mean that it does not possess a device under the statutory standard. A judgment concerning possession can only be made upon an evaluation of all relevant facts and circumstances of a particular case.[52]

The Pressler amendment and the conditions it stipulated were not news to Pakistan. Najamuddin Sheikh, who served as Pakistan's Ambassador to the U.S. from October 1990 to November 1991, recalls that "when the Pressler amendment was first passed in 1985, we [GOP] were told that without this Congress would not approve the continuance of the aid package passed in [FY] '81-'82, and it was adopted with our consent on the clear understanding that certification would not be a problem for the duration of the aid package."[53] Pakistan was taken onboard by the administration

and understood well what the consequences would be if the presidential certifications stopped coming.

In 1985, with the start of Reagan's second term in office, the administration was seeking Congressional approval for a bigger aid package for Pakistan, worth $4 billion for another six- year term, and it was critical that the GOP understood the implications of the Pressler amendment with respect to aid cut-off and the administration's inability to persuade Congress otherwise if Pakistan 'possessed' a nuclear explosive device. Kux provides an account of Pakistan and U.S. officials discussing the subject in *Disenchanted Allies* as follows:

> When U.S. officials discussed the issue with the Pakistanis, they characterized the Pressler amendment as a way to avert more damaging legislation, not as a device for cutting of assistance. The fact that the amendment was country-specific and thus discriminatory was not at the time deemed to be a problem by the Pakistanis, although Islamabad complained loudly about this after sanctions were imposed in 1990. Indeed, Pakistani officials seemed to regard the Pressler amendment as an internal U.S. affair, part of the executive branch's management of its nuclear problem with Congress, rather than something that Pakistan should be concerned about.[54]

There could have been two reasons for the GOP's calmness, despite the country-specific Pressler amendment: a) Pakistan's over-confidence that the U.S. needed Pakistan more than Pakistan needed the U.S., and b) Pakistan's successful cold tests in 1983 and 1984[55] which provided Pakistan with the confidence that it had already achieved the capability, and sanctions would not be

too damaging if they did come. The Reagan administration was extremely pleased with Pakistan's efforts to assist the Afghan Mujahedeen in fighting against the Soviets, and Pakistan had become a conduit for the U.S. to achieve the impossible – collapse of the Soviet Union.

With Reagan's victory for a second term in office, Pakistan knew that the administration would go to any extent to continue its security assistance relationship with Pakistan in order to realize its foreign policy objectives in the region. Moreover, the GOP saw that despite 'unambiguous' evidence obtained by the administration on Pakistan's nuclear activities, the Congress just wanted proof of 'non-possession' of the nuclear bomb. As long as Zia kept reassuring Reagan on that account, aid would flow. Therefore, it is likely the GOP thought that any Pakistan-specific amendment would not become a problem as long as Pakistan remained relevant in the superpower Cold War rivalry and the administration believed its nuclear assurances. Though realistic but shortsighted, that strategy served GOP's purpose at the time.

Pakistan's Illegal Procurement and The Solarz Amendment

The U.S. Congress approved another amendment in 1985 by amending Section 670 of the FAA of 1961. Sponsored by Congressman Stephen Solarz (D-NY), Chairman of the House, Asian and Pacific Affairs Subcommittee, the amendment proposed suspension of U.S. economic and military assistance for those non-nuclear weapons states that were found in violation of U.S. nuclear export control laws. Even though a direct reference to Pakistan was not made in the amendment, the legislation was

proposed "in response to recent disclosures about the activities of a Pakistani who was arrested for attempting to smuggle devices useful in making nuclear weapons out of the United States."[56]

Pakistan's attempts to illegally procure equipment and technology from North America began in the early 1980s. There were reports about Pakistan's re-export via Canada of some components of inverters that were used in gas centrifuge enrichment technology. According to a *Wall Street Journal* article, two members of the PAEC, Anwer Ali and I.A. Bhatti, in July 1980, "brought with them a list of parts needed for a key item embargoed by the U.S. and others, a high frequency inverter… an electrical device used to spin a gas centrifuge at extremely high speeds to enrich uranium." The article stated that "the parts were bought from manufacturers including General Electric Co., Westinghouse Electric Corp., RCA Corp. and Motorola Inc. by two small electrical equipment stores in Montreal…repackaged and shipped to the Middle East."[57] The Montreal Police intercepted the packages, and since Ali and Bhatti were traveling on diplomatic passports, they used their diplomatic immunity to immediately leave Canada.[58]

There were export attempts made from within the United States as well, and Secretary of State Alexander Haig made a polite mention of administration's knowledge and concern about Pakistani attempts in his letter to Foreign Minister, Agha Shahi on 21 Nov 1981. After discussing U.S. concerns on Pakistan-IAEA negotiations on the safeguards at Pakistan's KANUPP reactor and issues related with reprocessing and the Glenn amendment, Haig briefly brought up the issue with Shahi and wrote,

> A new and troublesome matter has just come to our attention. A substantial quantity of Zirconium alloy addressed for shipment to Pakistan has been seized by U.S. customs for violation of U.S. export control legislation. We would appreciate it if your government could look into this matter.[59]

Since there are no declassified materials available in Pakistan, it is difficult to ascertain how Haig's letter was received and whether the GOP 'looked into the matter'. However, it had been subtly cautioned.

1981 was also the year when Steve Weissman and Herbert Krosney published their book *The Islamic Bomb,* which detailed A.Q. Khan's attempts to illegally purchase nuclear equipment and materials from the international market. That publication made it difficult for the administration and the Congress to ignore the fact that Pakistan was actually attempting to procure nuclear technology for its nuclear weapons program through clandestine international networks. There were two cases in particular involving Pakistanis caught in the United States, which weakened the administration's position on the nuclear non-proliferation issue with respect to Pakistan. This resulted in the administration's quiet acceptance of Pakistan-specific non-proliferation legislation, thereafter.

Nazir Ahmed Vaid's Case

On February 25, 1985 Seymour M. Hersh broke the story in the *New York Times* in his detailed investigative article about Pakistan's attempts to operate inside the U.S. for "nine months in an attempt to illegally obtain timing devices" whose main function was to 'trigger nuclear bomb.' Federal agents had captured Vaid, "a 33-year-old from Lahore," while he was trying to "smuggle 50

of the devices, known as krytrons[60], out of Houston." According to Hersh, Vaid had been monitored since 1983 by undercover customs agents, and at the time of his arrest in 1985, a "series of letters directly linking Mr. Vaid to S.A. Butt, who was identified as a director of procurement for the government-run Pakistan Atomic Energy Commission" were found.

Hersh wrote that after Vaid's arrest, the Pakistani Ambassador to the U.S., Ejaz Azim, said in an interview that the GOP had "absolutely nothing to do with this individual," thus denying official involvement. Ambassador Azim further stated that Vaid was "a private trader, and that is all we know about him. He acts and operates entirely in his individual capacity as a private businessman of Pakistan." According to Hersh, Federal prosecutors failed to make the connection between Vaid and the GOP. Therefore, instead of being prosecuted under the Atomic Energy Act or the Export Administration Act, which could have resulted in a sentence of 20 years in prison, Vaid was "permitted to plea-bargain to a reduced charge," limiting his jail sentence from twelve years to two and no public trial. At the request of Vaid's attorney, the Federal judge issued a gag order to minimize the publicity for the case, and the original indictment was re-written "to exclude any mention of the possible nuclear use of krytrons." Vaid was found guilty on "one count of violating American export law, given mildest sentence possible and deported within three weeks." Hersh wrote that on his sentencing on October 22, 1984, Vaid was declared "merely a businessman trying to expedite what he thought was a business deal." However, later the Justice Department and Customs officials in Houston were presented with evidence of "Mr. Vaid's link to Mr. Butt," leading them to

acknowledge that "they had over-looked the significance of the materials in their possession." In their defense, a State Department official when interviewed said, "I know this has all the makings of a grand fix, but it's really a pretty screw-up."[61]

After Vaid's arrest and subsequent deportation from the United States, Reagan wrote Zia a letter cautioning that "enrichment of uranium above five percent would be of the same significance as those nuclear activities such as unsafeguarded reprocessing which I personally discussed with you in December 1982 and would have the same implications for our security program and relationship."[62] At that time Zia assured Reagan that the enrichment would not go beyond five percent. However, in November 1985, when President Reagan met General Zia at the sidelines of the UN General Assembly meeting, Kux writes of Zia telling Reagan that "Pakistan had a minimum nuclear programme necessitated by its security environment," nevertheless assuring Reagan that "the program would never reach the point where it would embarrass U.S.-Pakistan relations." Kux correctly articulates Zia's mindset as follows:

> A shrewd judge of how far he could push the Americans on the nuclear issue, Zia calculated that occasional trouble over clandestine procurement of nuclear-related equipment – any link with the Pakistani government could be denied – and even enriching uranium to weapons grade, would not breach the 'embarrassment' barrier.[63]

The Vaid case became the reason for the passage of the Solarz amendment which was proposed by Congressman Solarz just one month after Hersh's story was published.

Arshad Pervez's Case

This case generated quite a controversy when President Reagan initially refused to invoke the Solarz amendment and proceeded instead with presidential certification for Pakistan, thus continuing the economic and military assistance program.

A Pakistani businessman, Arshad Z. Pervez, a resident of Canada, was arrested in Philadelphia on July 10, 1987 after a twenty-month sting operation for attempting to a) export illegally 50,000 pounds of 'maraging steel', metal used in the making of centrifuges and b) buying unspecified amount of beryllium, a metal used in the making of internal components of nuclear weapons. He had identified various false end-users for his purchases including the Pakistan Council of Scientific and Industrial Research and a Pakistan-based firm called 'Multinational Inc.' Upon interrogation, Pervez revealed that he was working for a high-ranking Pakistani military officer and indicated that the real end-use of these materials was Pakistan's uranium enrichment program in Kahuta. Both maraging steel and beryllium are highly controlled materials due to their applications in the fabrication of nuclear weapons. The GOP denied any connection with Arshad Pervez and his associates.

Senator John Glenn in his statement before the Senate on July 14, 1987 strongly condemned Pakistan for violating U.S. export control laws and jeopardizing future U.S. assistance for the country. He also criticized the administration for its "feckless non-proliferation efforts in South Asia." Glenn called for sanctioning Pakistan under the Solarz amendment given that Pervez's case was a clear violation of U.S. export laws and stated,

> Mr. President, the United States cannot, and must not, set a precedent under which a country may violate our laws with impunity, offer solemn promises to our president that are not kept, and persist in clandestine nuclear procurement activities. This is not the kind of behavior we expect from a close military partner, and it is not behavior that we should reward. I know of no member of this Congress who would choose to step forward and cast the first vote for cutting off our support for the Afghan resistance forces – but this is not a matter of choice, it is a matter of law. If the president determines that there has been a violation of the law – and evidence available to me strongly suggests that there has – he should bring the full weight of the law to bear on Pakistan. Any waiver of the Solarz Amendment, either on non-proliferation or national security grounds as provided for by the law, would gravely undermine our global nonproliferation efforts.[64]

On August 1, 1987, the Senate unanimously passed a resolution introduced by Senator Glenn in support of diplomatic efforts to limit Pakistan's secret nuclear weapons program. The resolution stated that "the Senate strongly supports the President in his forthcoming efforts to gain Pakistan's compliance with its past commitments not to produce weapon-grade nuclear materials." The resolution further urged the President to "inform Pakistan that Pakistan's verifiable compliance with these past commitments is vital to any further United States military assistance."[65] A week after Pervez's arrest, three more agents were indicted in California for illegally exporting to Pakistan, electronic equipment used for nuclear weapons. It was becoming increasingly difficult for the administration to ignore the issue of Pakistan's violation of U.S. export laws in the face of overwhelming evidence, especially when

the Senate was pressuring the administration to warn the GOP to choose between aid and the bomb.

Pakistan's Reaction to Arshad Pervez's Case

Pakistan's Prime Minister, Mohammad Khan Junejo, who had assumed office after the 1985 elections that had made General Zia the President of Pakistan, was working closely with the Reagan administration and had ordered cessation of procurement activities in the U.S. after Vaid's case. When Pervez's case surfaced, it was an embarrassment for Pakistan. The U.S. Ambassador in Islamabad, Arnold L. Raphael in his cable to the State Department wrote of his meeting with General Zia. Raphael was told that PM Junejo had established a special group to investigate the case and assured the administration that the GOP would act against those involved. Raphael wrote that Zia was "genuinely taken aback" by the charges and had assured him that "heads would roll" if there was any connection between Arshad Pervez and those working in the enrichment facility in Pakistan. However, Zia did not provide Raphael any answer on providing nuclear assurances about the restricted enrichment levels.[66]

A week later, Pakistan's Foreign Secretary, Abdul Sattar, during his meeting with Ambassador Raphael, noted some anomalies in Arshad Pervez's case. He told the Ambassador that first, "maraging steel" was available elsewhere "without export restrictions" and as late as March could have been obtained from a "Western European country," so why would the "procurement effort continue in the US?" Second, the GOP had determined that the "Letter of Credit for the sale was issued from the London Bank without any funds backing the LOC" and that the GOP was trying to find out how that was possible. Sattar then emphasized the GOP's position and

stated that he understood the opposition which the GOP faced in Washington. However, Pakistan was not asking the U.S. to "choose between Afghanistan and non-proliferation"; in the South Asian context, non-proliferation must be "regional in character" and Pakistan should not be expected to take "unilateral steps."[67]

Pakistan was playing a smart game by apparently generating a counter-quid pro quo – Soviets or Pak nukes. And by the late 1980s, it was clear to the GOP as to which one the Reagan administration was more interested in pursuing.

Pakistan's Nuclear Progress and Reagan's Pressler Certifications

1987 was an important year in various respects. It was the year in which Pakistan set itself up for criticism from all quarters after A.Q. Khan boasted of Pakistan's nuclear weapons capability in an interview with an Indian journalist Kuldip Nayar (published in *Observer* London on March 1, 1987) at the height of the Operation Brasstacks crisis on the Indo-Pak border in March 1987. In his autobiography Nayar writes,

> India organized a large-scale military exercise, called Brasstacks on the borders of Pakistan and China during November 1986 and March 1987. The chief of the army staff Gen. K. Sundarji almost wandered into Pakistan and China while leading the exercise! Some senior politicians and bureaucrats in Islamabad doubted New Delhi's intentions. It was perhaps they who decided to sound a warning to India that Pakistan had a nuclear bomb.

A.Q. Khan told Nayar that Pakistan had already conducted laboratory tests. Nayar documents their conversation as follows:

> Haven't you heard of a prototype plane flying with the help of a simulator? We do not have to explode a nuclear bomb to ascertain its potency. Sensitive and advanced instruments in a laboratory can show the scale of the explosion. We are satisfied with the results…We have upgraded uranium to 90 per cent to achieve the desired results.

Nayar asked Khan, "Why haven't you announced that you have a nuclear bomb?" to which Khan replied, "Is it necessary? America has threatened to cut off all its aid…The US is aware that Pakistan has a nuclear bomb and what the CIA has been saying about our possessing a nuclear bomb is correct as are the speculations in the foreign media."[68]

Feroz Khan writes in *Eating Grass* that "the publication of the interview on March 1, 1987 embarrassed Zia-ul-Haq and created an internal controversy, resulting in the dressing down of AQ Khan by authorities and the immediate transfer of the R&D back to the PAEC."[69]

The Symington waiver that applied only to Pakistan was up for renewal in the fall of 1987. Given the recent reports of export law violations and AQ Khan's statement on Pakistan possessing the bomb, getting Congressional support for continuation of aid to Pakistan – a proposed $4.02 billion dollar economic and military assistance package for six years – seemed impossible. But three things happened which, if analyzed from a Pakistani perspective, were nothing short of a political miracle.

First, on the Symington waiver, the Congress legislated to provide the President the authority to waive the Symington amendment

provisions for two and half years instead of the requested six-years to continue providing security assistance to Pakistan. Members of Congress were disturbed about Pakistan's efforts to procure nuclear technology in its relentless pursuit of nuclear weapons. Denying aid to Pakistan for another six years and restricting it to two years was a way of showing their annoyance. But this compromise was reached after a showdown between senators in the Foreign Affairs Committee who wanted tougher waiver conditions for Pakistan and those who were sympathetic to Pakistan's support for the U.S. in the Afghan war. On the one side was Senator Solarz (D-NY) who had drafted a harsher amendment forcing Pakistan to retreat from its nuclear program or face a cutoff of U.S. aid. And on the other side were Senator Charles Wilson (D-TX) and Jim Leach (R-IA) who prepared an amendment that aimed at continuing U.S. assistance to the GOP. Their amendment proposed linking both India and Pakistan suggesting that the POTUS waive the Symington amendment in either country's case if the other continued its nuclear-weapons program. After these competing proposals were discussed on the floor, their sponsors agreed to stick with the two-year waiver in the committee bill. The pact between Solarz and Wilson was brokered by David R. Obey, D-Wis., Chairman Appropriations Subcommittee on Foreign Operations.[70]

Second, as soon as Congress approved the aid package for Pakistan in December 1987, a Federal court found Arshad Pervez guilty of violating U.S. export laws, and Pervez was later sentenced to five years in prison. Had the conviction come at the time of the deliberations on the aid package in Congress, it would have met strong resistance. One might speculate whether Pervez's

conviction was deliberately delayed until the Congress had taken a decision on the aid package.

Third, given the details of Pervez's case and his conviction, it was clear that the Solarz amendment was violated, automatically invoking Solarz sanctions against Pakistan. But in January 1988, President Reagan issued a formal determination to waive the sanctions in the name of 'common defense and security' at the same time they were invoked. He certified that the termination of U.S. assistance to Pakistan at that stage would be damaging to the achievement of U.S. non-proliferation objectives and national security interests. The Presidential Determination and Certification on the Solarz amendment read as follows:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including 620 E (d) and Section 670 (a) of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby:

(1) determine pursuant to section 670 (a)(1) of the Act that material, equipment, or technology covered by that provision was to be used by Pakistan in the manufacture of a nuclear explosive device; and,

(2) determine and certify, as a result of the determination in paragraph I and pursuant to section 670 (a)(2) of the Act, that not providing assistance referred to in section 670(a)(1) of the Act to Pakistan would be seriously prejudicial to the achievement of United States nonproliferation objectives and otherwise jeopardize the common defense and security; and,

(3) determine, pursuant to section 620E(d) of the Act, that the provision of assistance to Pakistan under the Act through April 30, 1990 is in the national interest of the United States and therefore waive the prohibitions of section 669 of the Act with respect to that period.[71]

In his testimony before the Senate Foreign Relations Committee, Robert A. Peck, Deputy Assistant Secretary of State, Near East and South Asian Affairs, provided justification for the Presidential decision to waive provisions of the Solarz amendment against Pakistan. Peck referred to President's statement to Congress on the importance of "long-standing security relationship with Pakistan" and that, in the face of "intense pressure from the Soviet Union," it was U.S. assistance that had "bolstered Pakistan's ability to withstand this effort at intimidation by strengthening Pakistani conventional military capabilities and by supporting its economic development." Peck argued that failure to continue U.S. assistance to Pakistan would not only undermine efforts to "bring about a Soviet withdrawal from Afghanistan, place in doubt, the credibility of established U.S. security commitments" but would also "jeopardize important U.S. security interests throughout the region." Moreover, Peck suggested that the termination of U.S. assistance would have made it more likely that Pakistan would build and test nuclear weapons, which in turn could provoke an Indian reaction leading to a nuclear arms race between the two countries. Peck assured the committee that,

> Pakistanis have told us at the highest level that they will take appropriate steps to ensure that there is no repetition of the Pervez case. They have followed up these assurances with specific actions designed to halt illegal procurement of U.S. goods. We have seen clear indications that procurement of

> some U.S.-origin goods has been halted, although we are aware of some activities which gives us cause of continuing concern. While our overall assessment is that the Government of Pakistan is making a serious effort to prevent another Pervez case, it must be recognized that there exists a substantial international network of nuclear procurement agents working on Pakistan's behalf that must be closely monitored, and Pakistan will have to make sustained efforts to ensure that no element of this network runs afoul of U.S. law.[72]

On 17 December 1987, President Reagan wrote to the Speaker of the House of Representatives to submit his third formal certification on Pakistan to permit economic and military assistance for FY 88. He wrote,

> I am writing you with respect to Section 620 E(e) of the Foreign Assistance Act of 1961, as amended, which requires an annual certification concerning Pakistan to permit assistance to be furnished and military equipment or technology to be sold or transferred to that country during that fiscal year. I made this certification for FY 1986 on November 25, 1985 and for FY 1987 on October 27, 1986. The proposed United States assistance program for Pakistan remains extremely important in reducing the risk that Pakistan will develop and ultimately possess such a device. I am convinced that our security relationship and assistance program are the most effective means available to us for dissuading Pakistan from acquiring nuclear explosive devices. Our assistance program is designed to help Pakistan address its substantial and legitimate security needs, thereby both reducing incentives and creating disincentives for Pakistani acquisition of nuclear explosives. Pakistan is clearly aware of the inevitable cessation of our security assistance program should it acquire a nuclear explosive device. Thus, I believe the proposed United States assistance program will reduce significantly the risk that Pakistan will possess a nuclear explosive device.[73]

Based on this certification, Congress authorized in 1987 a thirty-month waiver until 1 April 1990 and marginally reduced aid for Pakistan – $260 million in foreign military sales (FMS) and $220 million in economic support fund (ESF) were approved for FY 1988. However, 'the reduction was offset by writing off $30 million as a grant.'[74]

Arshad Pervez's case was a huge embarrassment for the GOP and the Reagan administration. President Reagan's Symington waiver enabling aid to proceed to Pakistan and the Solarz waiver to relieve Pakistan of aid cut-off angered many in the Congress. Pakistan was now literally on the edge, with no more room for crossing the U.S. red lines. But Reagan's waiver of Solarz sanctions in 1987 was strategic in nature and *not* a favor. The United States needed Pakistan on board for the agreements to finalize the settlement of the Afghan situation. Having come this far, the Reagan administration could not afford not to seal the deal, and Pakistan was the key. With the U.S. and the Soviets as guarantors, the Geneva Accords were signed on 14 April 1988 between Pakistan, Afghanistan, and the United Nations formally bringing the decade of war to a close.

General K.M. Arif in his book *Working With Zia* dismissed allegations of Pakistan's violations of U.S. export laws as a U.S.-led 'disinformation campaign' against Pakistan's nuclear weapons and wrote,

> Pakistani traders importing items of common use for the

> civil sector industry were accused of indulging in business malpractice and ulterior motives were attributed to their routine business transactions. The fact that the government of Pakistan did not exercise control over the business dealings of her private citizens was conveniently ignored. It was alleged that Pakistan businessmen tried to import from the United States small quantities of zirconium, kryptron switches, and maraging steel without obtaining export permits. In all the three incidents, the accused were trapped by CIA agents who first lured them into buying the material. The alleged defaulters faced trial in the USA under US law in US courts, which resulted in their acquittal on the main charges. Strangely, the public leakage of such attempts always coincided with the discussion on Pakistan's aid programme in the US Congress.[75]

Prelude to the Pak-U.S. Breakup Post Geneva Accords

At the end of Reagan's second term, two events took place, which contributed to the unease about the future of Pakistan-U.S. relations: a) Zia's dismissal of PM Junejo's government in May 1988 and b) Zia's sudden death in a plane crash in August 1988.[76] Three months before his death, Zia had dismissed Prime Minister Junejo's government and had dissolved the assemblies. Zia's differences with Junejo had cropped up over two issues. First, the Ojhri Camp incident in Rawalpindi where an ammunition depot had exploded in which over a hundred people lost their lives and thousands were injured. Junejo and Zia differed on who to punish for the incident. Second was Junejo's rushed approach to sign the Geneva Accords on 14 April 1988, which established the timeline for the withdrawal of the Soviet troops, bilateral agreement of mutual relations/non-interference/return of Afghan refugees between the governments of Afghanistan and Pakistan, and international guarantees signed by the USSR and the U.S.

According to K.M. Arif, Gorbachev had approached Reagan to indicate the Soviet intention to remove forces from Afghanistan in 1988. At that point, differences of opinion occurred within the GOP. Arif maintained that "General Zia, the architect of the Afghan policy, wanted the Geneva Accords to *ipso facto* include an agreement on the formation of a broad-based transitional government in Kabul," but the Soviet Union "for reasons of her own compulsions had de-linked the withdrawal of forces from other factors." Junejo managed to generate a political consensus in Pakistan – which weakened Zia's position – and led Pakistan to sign the Geneva Accords "without first reaching a settlement on the vital question of the formation of an interim government in Afghanistan."[77] Riaz Muhammad Khan who served as Director General for Afghanistan and Soviet Union affairs at the Pakistan Foreign Office from 1986-92 in his book *Untying the Afghan Knot* also discusses this aspect of Pakistan's desire to negotiate on both the external and the internal aspects of the Afghan situation. Khan writes,

> Pakistan approached the Geneva negotiations taking withdrawal to be the key to a settlement, but without losing sight of the internal aspect of the problem. The concession implicit in its agreement to drop self-determination from the agenda was regarded by Pakistan as essentially formalistic. It believed that Moscow would not discuss withdrawal without simultaneously showing willingness to accept replacement of [Babrak] Karmal by a broad-based government of national reconciliation, and assumed that progress in the negotiations would elicit moves from Moscow to address and resolve the internal aspect.

Riaz A. Khan maintains that Pakistan "came under criticism for accepting the Geneva negotiations without the participation of the

mujahideen, who were popularly seen as a real party in the Afghan conflict" and for that reason Khan writes "Pakistan kept insisting on consultations with the refugees as a means to ensure that the mujahideen were associated with the Geneva negotiations."[78]

K.M. Arif highlights the ambiguity prevalent in Pakistan at that time on the issue of whether it was the U.S. that wanted the Soviets to de-link the issue of withdrawal from the set-up of the transitional government in Afghanistan or was it owing to the insistence of Pakistan's Foreign Office that the United States persuaded the Soviets to de-link the two issues. U.S. Secretary of State, George Shultz apparently had told Arif that Pakistan's Foreign Minister Sahabzada Yaqub Khan had persuaded Shultz to "get the Soviets to agree" to the de-linking, and therefore, even if the GOP wanted otherwise, it was "difficult for the US to go back to the Soviets and argue with them in reverse."[79] However, according to Zia's version, the U.S. had convinced the Soviet Union of de-linking the two issues, and Pakistan was "informed about this development long after the two superpowers had already reached an agreement on this point," leaving Pakistan with a *'fait accompli.'* According to Arif, the Geneva Accords had helped the U.S. achieve its strategic objective of Soviet withdrawal and it was not bothered with what happened in Afghanistan or who formed the government.

In the absence of the final Afghan solution, Pakistan at the end of the nine-year long war was left with a mess. It faced a huge refugee crisis that was a tremendous economic and social burden on the GOP, a weaponized political culture it did not want and an unstable Afghanistan in which infighting continued among various armed Afghan factions with severe repercussions for Pakistan's security.

The U.S. on the other hand enjoyed a clean break – from Pakistan and Afghanistan.

After Zia's death in 1988, there were theories galore in Pakistan about the cause of his untimely death. One theory was about the involvement of a 'foreign hand' in removing Zia from the national scene. General Arif documents that a Board of Enquiry was held by the Pakistan Air Force to investigate the cause of the crash and a US team of six air force accident investigators provided assistance to the Board. After a process of eliminating all possibilities, the Board concluded that "the most probable cause of the crash was a criminal act of sabotage perpetrated in the aircraft leading to the crash of the aircraft."[80] Arif concludes that,

> If Zia was a red rag to the Soviet bull, he was not a favourite of America either…it was a coincidence that Pakistan's Afghan policy and that of Reagan administration enabled the two countries to develop a mutually supportive relationship. With the contemplated withdrawal of the Soviet military forces from Afghanistan, Zia was dispensable, as his utility had diminished in the US scheme of maneuver. Zia's religious fervor and pan-Islamic approach were strong irritants to Washington. His vision of a rightist Muslim government in Afghanistan, as in Pakistan, ran counter to the strategic interests of the USA and the USSR in the region. If Zia had stood firm against the Soviet Union, he was not likely to yield to the United States either. His exit, in the assessment of the CIA, might have been desirable.[81]

However, the U.S. Ambassador to Pakistan, Robert Oakley, who was sent to take charge after Ambassador Raphael's death in the same plane crash as Zia's, remembers the results of the joint investigation report differently and states that the decision of the

Board was not unanimous. In his oral history interview, Oakley recalls the time when he arrived at the Embassy right after the crash as follows:

> I found a high degree of uncertainty and anxiety in Pakistan. No one knew who the perpetrators of the plane crash had been. The remaining leadership was convinced that it was part of a plot which would claim more victims in the forthcoming days….the [U.S.] team indicated that it could find no evidence – either inside or outside the plane – of any explosion…Our team attributed the crash of the Pakistani plane to a) the inexperience of the Pakistani pilots with C-130s and b) the low level at which the plane was flying before the crash. In the previous cases [examined by the team], the fault seemed to lie with the hydraulic system; we believed that that was also the cause of the crash of the Pakistani plane.

Both sides held on to their beliefs in the absence of a definitive proof. The Pakistanis maintained that "they felt the accident was the result of a ploy by a person or persons unknown," and the "Americans said that we believed that mechanical failure had been the cause." In his final comments about the plane crash, Oakley said,

> I think you have to remember that South Asia is conspiracy-theory-oriented – even more than we are about who killed JFK. It was hard for them to accept the accident theory, particularly since we had no hard evidence to support our findings. I thought therefore that the split conclusion in the final report was the best possible outcome; neither side could definitively prove its conclusion and therefore both sides were satisfied. Eventually, the issue died away.[82]

Arif's version of events provides an insight into the workings of General Zia's government and how the GOP rationalized U.S. decisions that were unfavorable towards it. It is, however, open to debate whether Arif's overall conclusions about Pakistan-U.S. relations would have been any different had he written this book before the Geneva Accords ended the nine-year long war.

Cracks in Pak-U.S. security relationship post Geneva Accords were all too visible. The incoming George H.W. Bush's administration could do little to salvage this rapidly deteriorating relationship. Pakistan had had its wake up call. With a new government in Pakistan and a new administration in the U.S. at the end of the Cold War, future of U.S. non-proliferation policy towards Pakistan was not all that unpredictable.

Notes

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3. Khalid Mahmud Arif, Working With Zia: Pakistan's Power Politics, 1977-1988 (Oxford: Oxford University Press, 1995), 340
4. Shahi, 180 and 181
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6. John Glenn's letter to the Committee on Foreign Relations, May 12, 1981, RG: 57/a-59-53, Kathy Prosser-Subject Files: Nuclear Nonproliferation Legislation, 1981-82, 95th Congress, Box 59, John Glenn Archives, Ohio State University, OH
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17. Bernard Gwertzman, "Pakistan Agrees to A U.S. Aid Plan and F-15 Delivery," The New York Times, Sep 16, 1981, New York Times (1923-Current File)
18. Carol Hansa, "India turns to Soviets to bolster its arsenal after US agrees to supply Pakistan with F-16s," Christian Science Monitor, 10 July 1981
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20. Email interview with the former Pakistan Chief of the Air Staff, Jamal Ahmed Khan on Feb 22, 2015
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22. Email interview with JAK, 22 Feb, 2015
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24. "Air Chief Marshal Shamim on the ALR-69 Issue," Cable from Ambassador Spiers, American Embassy Islamabad to Secretary of State, 05 November 1982, Pakistan 1/1/82-8/31/84 (1) Box 46, Executive Secretariat, NSC: Records Country File, Reagan Presidential Library, Simi Valley CA
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38. Email interview with JAK, 22 Feb, 2015. For an account of PAF bombing accuracy during the Afghan war see The Story of the Pakistan Air Force: 1988-1998 (Karachi: Shaheen Foundation and Oxford University Press, 2000)
39. Tables I, II and III are reproduced from the presentation of William Brandt, Country Director for Pakistan, Operations Directorate of the Defense Security Assistance Agency, U.S.-Pakistan Consultative Group Fourth Meeting 24-25, April 1986, Washington DC, Folder (4 of 5), Near East and South Asia Affairs Directorate, NSC: Records, Box 91134, Ronald Reagan Library, Simi Valley, CA
40. FMS= Foreign Military Sales, ESF= Economic Support Fund, DA= Development Assistance, P.L.480=Agricultural Trade Development and Assistance Act of 1954, commonly known as Food for Peace, IMET=International Military Education and Training
41. Quoted by Khan in Eating Grass, 188
42. "Nuclear Black Markets: Pakistan, A.Q. Khan and the Rise of Proliferation Networks - A Net Assessment," IISS Strategic Dossier (London: IISS, 2007), 32
43. "The Pakistani Nuclear Program," Secret, Briefing Paper, June 23, 1983,

Nuclear Non-proliferation, Digital National Security Archives, George Washington University

44. Khan, 185. "A cold test essentially is the actual detonation of a complete nuclear bomb, with natural uranium in the core instead of HEU or Pu. Therefore once detonated, no fission reaction takes place," Khan, 184.
45. ibid, 159
46. Reagan's letter to the Speaker of the House of Representatives, Thomas O'Neil, on the submission of report on Pakistan's nuclear program, June 24, 1983, Pakistan 1/1/82-8/31/84 (3), Box 46, Executive Secretariat, NSC, Office of Records: Country File, Reagan Presidential Library, Simi Valley, CA
47. "Pakistan's Nuclear Program," Report to Congress Pursuant to Section 735 of The International Security and Development Cooperation Act of 1981, Classified by James B Devine, Department of State, June 24, 1983, Pakistan 1/1/82-8/31/84 (3), Box 46, Executive Secretariat, NSC, Office of Records: Country File, Reagan Presidential Library, Simi Valley, CA
48. The Cranston-Glenn Amendment on Nuclear Nonproliferation Conditions on United States Assistance to Pakistan, Pakistan [1of 2], Box 91843, Burns, Williams Files, Box 2, Reagan Presidential Library, Simi Valley, CA
49. Report of the Committee on Foreign Relations United States Senate on S. 2582, International Security And Development Cooperation Act of 1984, Report No. 98-400, April 18, 1984
50. Subsec (e), Sec 902 of the International Security and Development Cooperation Act of 1985, Public Law 99-83
51. "Pakistan Certification Requirement in Section 620 E (e) of the Foreign Assistance Act," prepared by Ronald J. Bettauer, deputy legal adviser State Department submitted to David Sofaer, Legal Adviser of the State Department, October 3, 1985, Pakistan [1of 2], Box 91843, Burns, Williams Files, Box 2, Reagan Presidential Library, Simi Valley, CA
52. "Possession' of a Nuclear Weapon: Definition Used by Office of Legal Advisor, U.S. Department of State," House Foreign Affairs Comm., Subcomm on Asian and Pacific Affairs, Hearings on Foreign Assistance

Legislation, FY-1998/9, March 5, 1987, pp.484-8

53. Email interview with Ambassador Najamuddin Sheikh on the subject dated February 2, 2015.
54. Kux, 277
55. Khan, 189
56. Robert Pear, "Legislators Move on Atom Exports," New York Times, Mar 27, 1985, pg. A9
57. John J. Fialka, "Nuclear Spread-How Pakistan secured U.S. Devices in Canada to Make Atomic Arms," Wall Street Journal cited in "How big a threat is nuclear proliferation," Senator William Proxmire's Statement to Senate, Congressional Record Daily Edition, 131 Cong Rec S 7298, June 04, 1985
58. Frantz and Collins, The Nuclear Jihadist, 117
59. "Message to Foreign Minister Shahi," Cable from Secretary of State Alexander Haig to American Embassy Islamabad, 21 Nov 1981, Pakistan: 1/20/81-12/31/81 (4 of 7), Box 46, Executive Secretariat, Office of Records: Country File, Reagan Presidential Library, Simi Valley, CA
60. Frantz and Collins describe Krytrons as 'inch-long cathode tubes developed as specialized high-speed switches for radar transmitters during WWII. The gas filled devices turn extremely high voltages of electric current into a precise burst as short as one millionth of a second. The precision is essential to detonate a nuclear device, which relies on the simultaneous triggering of conventional explosives to unleash the critical mass of fissile material that leads to an atomic explosion. The tubes have limited civilian uses, and their essential role in nuclear weapons means that all exports require a government license and each prospective sale is reviewed by the State Department," The Nuclear Jihadist, 119-120
61. For a detailed account of Vaid's case and arrest see Seymour M. Hersh, "Pakistani in U.S. Sought To Ship A-Bomb Trigger," New York Times, February 25, 1987, pg. A1
62. Quoted in "Pakistan's Nuclear Weapons Programs and U.S. Security Assistance," Memorandum from Kenneth Adelman, Director Arms

Control and Disarmament Agency to Assistant to the President for National Security Affairs, 16 June 1986, Top Secret, National Security Archive Electronic Briefing Book No. 377

63. Kux, 278
64. Congressional Record-Senate, July 14, 1987, Vol. 133, S 9887. An affidavit prepared by an undercover Customs agent who was part of the operation reveals the details of the sting operation and how Pervez and his associates were apprehended was also placed on record at Glenn's request.
65. "Glenn Resolution Boosts U.S. Diplomacy With Pakistan," John Glenn's news release, August 1, 1987, RG:57/a 511-22, JHG Press Release, Aug/ Sep 1987, Box 199, John Glenn Archives, Ohio State University, OH
66. "Pervez Case – Meeting With Zia," Cable from Ambassador Raphael American Embassy Islamabad to Secretary of State, 16 July 1987, Tahir, Kheli-Shirin, R: Files, PAKIS: Nuclear-Pervez Case, Box 91880, Ronald Reagan Library, Simi Valley, CA
67. "The Pervez Case – Talk with Foreign Secretary," Cable from Ambassador Raphael American Embassy Islamabad to Secretary of State, 22 July 1987, Tahir, Kheli-Shirin, R: Files, PAKIS: Nuclear-Pervez Case, Box 91880, Ronald Reagan Library, Simi Valley, CA
68. Kuldip Nayar, Beyond The Lines, 305-306
69. Khan, 190
70. "Compromise on Pakistan Aid," 1987 CQ Almanac, 163-164, The Center of Legislative Archives, NARA, Washington DC
71. "Determination Pursuant to Section 670 (a) and Section 620 E(d) of the Foreign Assistance Act, as amended," Draft Memorandum for the Secretary of State George Shultz from the President, undated, Tahir, Kheli-Shirin, R: Files, PAKIS: Nuclear-Pervez Case, Box 91880, Ronald Reagan Library, Simi Valley, CA
72. "The Implications of The Arshad Pervez Case For U.S. Policy Towards Pakistan," Hearing Before the Subcommittees on Asian and Pacific Affairs And on the International Economic Policy And Trade of The Committee on Foreign Affairs House of Representatives, 100th Congress, Second Session, February 17, 1988

73. Presidential Determination N. 88-4, December 17, 1987, The White House, Tahir-Kheli, Shirin R: Files, PAKIS: Certification 1986 (1) Box 91880, Ronald Reagan Library, Simi Valley, CA
74. "Update on Pakistan Nuclear Matters and Security Assistance," Memorandum from Robert Oakley NSC Staff to the National Security Advisor Colin. L. Powell, December 24, 1987, PAKIS: Nuclear Program, 1987, Box. 91880, Tahir-Kheli, Shirin R: Files, Reagan Presidential Library, Simi Valley CA
75. Arif, 369
76. There were thirty-one people with Zia on the C-130 plane and amongst the dead were two U.S. citizens, Ambassador Arnold L. Raphael and the Chief of U.S. military mission in Pakistan Brigadier-General Herbert Wasson.
77. Arif, 324
78. Riaz Ahmed Khan, Untying the Afghan Knot: Negotiating Soviet Withdrawal (Durham and London: Duke University Press, 1991), 94-95
79. Arif, 325
80. According to Kux, the report carried conflicting views from Pakistani and American investigators. Based on his interviews with U.S. officials and media reports, Kux writes, "In the absence of hard evidence of mechanical failure, the Pakistani investigators concluded that sabotage was the probable cause. In contrast, the U.S. team, not finding credible evidence for sabotage, concluded that a mechanical failure probably led to the crash," 292. However, Robert D. Kaplan in his New York Times article (08/23/1989) titled "How Zia's Death Helped the U.S.," did not mention of any such contention between the U.S. and Pakistani investigator. He wrote, "A report on the technical causes of the disaster by the Pakistan Government's Board of Inquiry – aided by six U.S. Air Force specialists – indicated that the crash was not an accident. Explosives were found in the wreckage, the investigators said, and the plane was likely brought down by the deliberate contamination of the main hydraulic system and its back-up, which would have made the plane almost impossible to control. The board concluded that "the use of ultra-sophisticated techniques

would necessitate the involvement of a specialist organization well versed with carrying out such tasks and possessing all the means and abilities for its execution." General K. M. Arif wrote in his book that for some 'inexplicable reasons,' the findings of the investigative report was leaked to the American press before the GOP officially released its contents and a "pre-emptive story quoting unnamed administration sources, suggested that the crash might have been caused by a malfunction in the aircraft, a possibility which had been fully examined and firmly rejected by the Board of Enquiry," 408.

81. Arif, 408

82. Charles Stuart Kennedy and Thomas Stern, Oral History Interview of Ambassador Robert B. Oakley, The Association of Diplomatic Studies and Training Foreign Affairs Oral History Project, July 7, 1992, 137-138

CHAPTER 4

BUSH ADMINISTRATION'S NON-PROLIFERATION POLICY TOWARDS PAKISTAN

Overview

In January 1989, George Herbert Walker Bush succeeded Ronald Reagan as the 41st President of the United States. Having served as Reagan's Vice President for eight years, Bush was part of the previous administration's decision-making elite on the non-proliferation policy towards Pakistan. His insider knowledge on the status of Pakistan's nuclear program, his frustrations with the GOP's assurances on the uranium enrichment levels, his dealings with the militarized regime under General Zia, and the uphill struggle with the strong non-proliferation lobby in the Congress with specific reference to Pakistan helped shape his foreign policy worldview towards the region when he became the new President of the United States. President Bush issued his first and last certification for the Pressler amendment in 1989 determining that Pakistan did not 'possess' a nuclear weapon and that the U.S. aid was helping dissuade Pakistan from acquiring one. But his letter accompanying the certification to Congress carried his sense of alarm about Pakistan's continuing progress with its nuclear weapons program, hinting that it might become difficult for

Pressler certifications to continue in the future.[1] For his cabinet, Bush selected trusted close aides to take key policy positions: James Baker as Secretary of State, Dick Cheney as Secretary of Defense, and Brent Scowcroft as his National Security Advisor.

Bush's first term in office coincided with a new democratic government in Pakistan. After General Zia's death in a plane crash in August 1988, Ghulam Ishaq Khan (henceforth GIK), who was Chairman of the Senate at the time, became the acting President of Pakistan as per the constitution of Pakistan. General Mirza Aslam Beg, the new Chief of the Army Staff (COAS), called for the general elections to be held in November 1988. Benazir Bhutto, daughter of Zulfiqar Ali Bhutto, a Radcliffe and Oxford graduate, and the leader of the populist Pakistan's Peoples Party (PPP) won the general election to become Pakistan's 11th and the first female Prime Minister of a Muslim country.

Benazir Bhutto made several compromises when she came to power, the first being to retain General Mirza Aslam Beg as the COAS and GIK as the President of Pakistan. Under the eighth amendment to the constitution of Pakistan passed in 1985 during Zia's regime – which had strengthened the authority of the President by giving him the power to dismiss the parliamentary government – GIK called the shots. In counsel with the Army Chief, General Beg, GIK maintained complete control over decisions regarding the future of Pakistan's nuclear weapons program and its nuclear policy. Both GIK and Beg were Zia's protégés (GIK was Zia's finance minister from 1977 to 1985) and only accepted Benazir Bhutto because of her popular support base that had won her the elections. Benazir won the majority vote. GIK's relationship

with PM Bhutto was acrimonious from the beginning, which was apparent by his decision to delay her appointment as the Prime Minister of Pakistan until she made certain compromises to form a coalition government to assume office on December 2, 1988.[2]

Once in office, Bhutto attempted to pass legislation to remove the eighth amendment to the constitution in order to strip GIK of his powers. She wanted to become part of the nuclear decision-making elite, and to stake a claim to the program that was her father's legacy. Unfortunately, Bhutto's government lasted only twenty months in office, and on 9 August 1990, GIK called for general elections after arbitrarily dismissing her government on the charges of incompetence and corruption. Nawaz Sharif became the new Prime Minister of Pakistan after the October 1990 elections, with GIK still as the President.

1990 was an important year for the Pakistan-U.S. relationship. In early spring 1990, Pakistan and India had engaged in a crisis over Kashmir, with nuclear overtones. Pakistan's nuclear signaling during the crisis changed the ambiguous status of its nuclear weapons status, which could no longer be concealed from Congress by the Bush administration. In October 1990, President Bush refrained from certifying that Pakistan did not 'possess' a nuclear weapon, and in the absence of his presidential certification, the Pressler amendment was automatically invoked, resulting in suspension of the U.S. economic and military assistance to Pakistan.

Pressler sanctions did not come as a surprise to the GOP since it had been forewarned about it by the Bush administration. But Pakistan strongly protested when, along with the suspension of the assistance,

a military equipment transfer of 28 F-16s signed and paid for by the GOP – $658 million in cash through national funds under Peace Gate III and IV programs in 1988 and 1989 – was also cancelled. The F-16s issue became an extremely sore point for the Pak-U.S. relationship during the Bush administration and became the base for Pakistan's grievance towards the U.S. from that point onwards.

Based on archival documents, this book provides the first ever account of the Bush administration's interpretation of the Pressler amendment and its little known efforts to find ways to circumvent the Pressler law to provide spare parts for the military equipment in Pakistan's inventory through private commercial sales. Even though Pakistan became part of the U.S. coalition during the first Gulf War in 1991 to liberate Kuwait from Iraq's invasion, the Pressler sanctions and the F-16s issue continued to strain Pak-U.S. relations for the rest of Bush's time in office.

Bush's Pressler Certification in 1989 and More F-16s for Pakistan

In his reply to President-elect Bush's message of felicitations on restoring democracy in Pakistan, GIK applauded the U.S. partnership with Pakistan in restoring freedom and dignity to the people of Afghanistan and said he was looking forward to working with his administration. On the nuclear issue, GIK wrote,

> We do have our known differences over the nuclear issue but I am confident these could be bridged in the spirit of mutual confidence and trust that has historically marked our relations. Prime Minister Benazir Bhutto has already stated publically that Pakistan has no intentions to acquire nuclear weapons. The statement augurs well as an earnest reflection of nuclear restraint…I am sure the new government would be keen to resume the on-going dialogue with the United States on this subject before long.[3]

In early 1989 when General Beg visited the United States, the outgoing National Security Advisor, Colin Powell, and his successor, Brent Scowcroft, in two separate meetings warned Beg that Pakistan's nuclear activities were being closely monitored. In his interview with Dennis Kux, Scowcroft recalled telling Beg that the administration's hands were 'tied on the nuclear issue' and that "President Bush [will] certify as long as he [can] under the Pressler amendment, but he [will] not lie. Pakistan [stands] very close to the line."[4] After Beg's return home, the U.S. intelligence reported that Pakistan was no longer enriching uranium,[5] which meant that there was hope for the U.S.-Pak relationship to progress.

Benazir Bhutto's visit to the United States in June 1989 was very successful. Making a statement on Pakistan's nuclear program, Bhutto stated, "Speaking for Pakistan, I can declare that we do not possess, or do not intend to make, a nuclear device, that is our policy."[6] However, there are different versions of Pakistan's nuclear policy under Benazir Bhutto's government in 1989. In her interview with Kux, Bhutto maintained that an 'understanding' was reached with the United States that Pakistan could "keep its existing nuclear capability and continue to receive military and economic aid."[7] General Beg 'denies' any such understanding with the United States and credits Benazir Bhutto for pursuing the policy of nuclear restraint in 1989 without any external pressure. He maintains that, after his joint meeting with GIK and Benazir Bhutto, it was decided not to enrich more uranium to weapons

grade because Pakistan already had nuclear weapons that were regarded as enough to serve as a deterrent to India. Moreover, in order to maintain nuclear ambiguity, it was decided that no nuclear tests should be conducted.[8] General K.M. Arif in his book *Working With Zia* also writes of the meeting in January 1989 in which GIK, Beg and Benazir Bhutto (also popularly referred to as the troika) mutually decided to freeze the enrichment of uranium at low levels. The United States was informed of the decision accordingly.[9] Feroz Hassan Khan in his book *Eating Grass* elaborates on the content of troika's meeting based on his interview with General Beg. According to Beg, the policy of nuclear restraint had five elements,

> (1) maintain the minimum force posture necessary for a credible deterrent, (2) refrain from conducting hot tests, (3) freeze fissile stocks at the current level, (4) reduce uranium enrichment to below 5 percent, and (5) affirm that nuclear weapons do not replace conventional force capabilities.

This policy of nuclear restraint adopted in early 1989 helped Pakistan win Bush's Pressler certification later that year, congressional approval of U.S. economic and military assistance, and an agreement for the sale of 60 F-16 aircraft.

In his Pressler Determination No. 90-1 and certification letter to Congress on 5 October 1989, President Bush wrote that using his best judgment based on the information available to the U.S. government, he had determined that Pakistan did not 'possess' a nuclear explosive device. Bush stated that U.S. assistance program was designed to "help Pakistan address its substantial and legitimate security needs, thereby reducing incentives and creating

disincentives for Pakistani acquisition of nuclear explosives… and help to sustain Pakistan's commitment to democratic government." Senator John Glenn was not satisfied by President Bush's Pressler certification for Pakistan and questioned its logic in the congressional debates. In one such debate on 16 November 1989, Glenn cited a story attributed to Dr. Samuel Johnson, the great English writer of the 18th century, which was recorded two hundred years ago as follows, "A gentleman who had been very unhappy in marriage, married immediately after his wife died… it was the triumph of hope over experience." Glenn equated this story with the U.S. experience of Pakistan's repeated assurances about its nuclear program and the Pressler certifications by stating "there are perhaps no better words to describe the most recent presidential certification that cites Pakistan's peaceful nuclear assurances as a basis for concluding that we are making progress in halting Pakistan's relentless march for the bomb." Glenn concluded his statement by urging that the administration reconsider its certification and stated that "Pakistan wants to have its cake and eat it too. I understand that but just how far can we play along at this game without sacrificing our other international obligations – especially our commitment to non-proliferation?" [10] Glenn was right. The past eight years of the Reagan administration had all been about compromising on non-proliferation principles and turning the blind eye, something had to give now in the face of evidence of Pakistan's continued nuclear weapons development.

Even though the congressional non-proliferation lobby criticized Bush's certification, the administration believed that continuation of aid would deliver and help Pakistan deal with its legitimate security needs. To that effect, the decision to sell 60 F-16 aircraft

to Pakistan was undertaken. In her testimony on 2 August 1989 before the Subcommittee on Arms Control, International Security, and Science, House Committee on Foreign Affairs on the proposed sale of F-16s to Pakistan, Deputy Assistant Secretary, Near Eastern and South Asian Affairs, Teresita Schaffer told the Committee that Benazir Bhutto had requested more F-16s after thoroughly reviewing Pakistan's military modernization needs, given the prevalent security environment. Schaffer stated that despite Indian reservations on the proposed sale of F-16s to Pakistan, the administration had concluded that 60 more F-16s A and B "would not contribute to an escalation of military technology on the subcontinent; change the military balance nor destabilize the region." Making a statement on F-16s and the dangers of nuclear proliferation, Schaffer stated that,

> None of the F-16s Pakistan already owns or is about to purchase is configured for nuclear delivery. Pakistan, moreover, will be obligated by contract not to modify its new acquisitions without the approval of the United States. Most importantly, a Pakistan with a credible conventional deterrent will be less motivated to purchase a nuclear weapons capability.[11]

This line of reasoning made sense, but once again, the Bush administration, like its predecessors, was trying to establish positive linkage between aid and non-proliferation, in an endeavor to create an imbalance in favor of Pakistan not going nuclear.

On September 28, 1989 the two governments signed an agreement under which Pakistan was to buy 60 more F-16s worth a reported $1.4 billion to be delivered between 1992 and 1996. In addition

to the 60 F-16 aircraft, the Letter of Offer and Acceptance (LOAs) for Peace Gate III and IV were also signed. The LOA for Peace Gate III for the sale of 11 F-16 aircrafts was signed between the two governments on 9 January 1989, for a total value of $199.738 million, all in FMS credits. And the second LOA for Peace Gate IV was signed three days before Bush's Pressler certification on 2 October 1989, for another 17 F-16 aircraft. The total value of the aircraft was $1.407 billion, with $658 million to be paid by the GOP over FY 1990-1993.[12]

After having secured the F-16s deal with the Americans in exchange for fresh nuclear assurances, Benazir Bhutto also managed to establish good relations with her Indian counterpart, Prime Minister Rajiv Gandhi. Their efforts to stabilize relations between the two countries resulted in the signing of an important agreement between the two governments on 31 December 1989. They agreed not to attack each other's nuclear facilities as well as to annually exchange lists of their nuclear facilities with each other. While Benazir Bhutto was popular among the Americans and the Indians for her charismatic leadership and democratic values, the situation at home was not so encouraging for her. She had a falling out with GIK and Beg over military personnel matters in early 1990 which resulted in domestic instability, with massive anti-Bhutto demonstrations demanding her resignation. Her government was accused of corruption and of incompetence in dealing with the basic law and order situation in the country. To make matters worse, events in the country coincided with an Indo-Pak crisis over Kashmir in the spring of 1990, and the international community feared a clash between the two nuclear-capable countries. The United States intervened to manage the

crisis between India and Pakistan and issued stern warnings to Pakistan over its nuclear capability.

The 1990 Indo-Pak Crisis and the Build Up to the Pressler Sanctions

The 1990 crisis had its roots in an armed insurgency in the Valley of Jammu and Kashmir which began in the late 1980s. The Kashmiri separatist movement had picked up pace towards the end of 1989 against the suppression and injustices of their government. Many young Kashmiris were influenced by the success of the Afghan Mujahedeen's struggle for freedom against the Soviet Union and believed that they could also change the course of their destiny. Clashes between approximately one million people, who took to the streets defying government-imposed curfew and the police claimed the lives of many people. The situation in Kashmir worsened after the Indian government's 'assessment' that the Pakistan Army was supporting the Kashmiri armed insurgents. The timing of the Kashmir insurgency coincided with a large military exercise, Zarb-e-Momin by the Pakistan Army, which seemed like General Beg's response to the Indian Brasstacks exercise in 1986-87. As Feroz Khan documents in *Eating Grass* the Indians detected that some Pakistan army units did not return to their barracks after the military exercise ended which gave them the impression that they had stayed back to support the insurgents. Pakistan reached a similar conclusion about the Indian troop movement along the border in February 1990. According to Khan, "the two countries were suspicious of each other, and each military movement led to another, creating a spiral of deployment and counterdeployment." By April 1990, both the Indian and the Pakistani armies "were partially mobilized, some

units patrolling the border and mechanized forces activated near their operational areas." Feroz writes that though these were not offensive force deployments, the sheer size of the deployed men and armored divisions within fifty miles of the Pakistani border in the Rajasthan desert and the presence of some two-hundred thousand Indian troops in Kashmir gave the impression that it was not a peacetime deployment pattern either.

In addition to the partial military deployments, Khan writes, based on his interview with General Beg, that Pakistan had received 'credible' intelligence information about a probable Indo-Israeli attack on its nuclear facilities in Kahuta. Gen. Beg told Khan that he instructed Foreign Minister, Yaqub Khan to inform the Indians that Pakistan would retaliate against India if such a plan were carried out, and Yaqub Khan did so. Yaqub Khan, however, in his interview with Feroz Khan dismissed Beg's account of him delivering a "naked nuclear threat" to the Indians. Yaqub Khan maintains that the foreign ministers did meet on January 20-23, 1990 to discuss the crisis but that his 'tone was friendly' when he told his Indian counterpart I.K. Gujral that the whole world was "inflamed" at the time and that both India and Pakistan "shared the responsibility to save the subcontinent from crisis." Yaqub regretted that Gujral misunderstood his word to mean "nuclear flames" and "interpreted this reference as a threat." Feroz Khan also quotes his interview with Tanvir Ahmed Khan, Bhutto's Secretary of Information and Broadcasting, who believed that Pakistan did intend to deliver "a veiled nuclear threat during the 1990 crisis in three ways: the media, diplomatic channels, and military movement" and that the "talk of fire and flames" was part of that nuclear threat.[13] In order to signal Pakistan's resolve

to deter the Indians, General Beg told Feroz Khan that Benazir Bhutto "ordered the army and air force to get ready. A squadron of F-16s was moved to Mauripur [an air force base in Karachi] and we pulled out our devices and all to arm the aircraft, [which carried out] movement from Kahuta, movement from other places, which were picked up by the American satellites." Beg revealed that maximum visibility for the movement was aimed for, "because the purpose was not to precipitate a crisis but to deter [it]." Beg maintained that no Indo-Israeli attack could have occurred without American knowledge of it, and therefore it was "necessary to convey deterrence signaling by letting the Americans pick up Pakistani preparations and convey it to both India (and Israel) about the consequences."[14]

While the question of nuclear signaling during the 1990 crisis is not settled in the literature on the subject, Feroz Khan's 2005 interview with General Beg on the 1990 crisis, as documented in his book published in 2012, is the most recent description of the 'nuclear signaling' aspect. There is no mention of American satellites picking up information on the Kahuta movements in Dennis Kux's *Disenchanted Allies* or in Mitchell Reiss' *Bridled Ambitions* (both accounts discuss the 1990 crisis based on interviews with American officials involved in crisis management at the time). Kux writes that U.S. intelligence sources confirmed that Pakistan 'possessed' nuclear weapons during the crisis since they had started 'machining uranium metal into bomb cores.'[15] And Reiss maintains that though the nuclear signaling aspect of the crisis remains disputed 'there was a real, if relatively low, probability of nuclear war between India and Pakistan in Spring 1990.'[16]

The only account that mentions use of American satellites to gather intelligence during the 1990 crisis is that of Seymour Hersh who wrote in *The New Yorker* in 1993, quoting an anonymous American analyst who was privy to the White House situation room meetings during the 1990 crisis, that "satellite and other intelligence later produced signs of a truck convoy moving from the suspected nuclear-storage site in Balochistan to a nearby Air Force base." Hersh also wrote that the U.S. intelligence community had seen Pakistani F-16s 'pre-positioned and armed for delivery.'[17] Many American and Pakistani officials and analysts refuted Hersh's story after it was published, stating that his account of the nuclear dimension of the 1990 crisis was exaggerated. Bush's National Security Advisor General Scowcroft dismissed Hersh's story the same week it was published by saying that "We were worried about a delicate situation, but I wouldn't go any further than that." On Hersh's assertion of Pakistan's F-16s armed and ready with nuclear weapons, Scowcroft maintained that "there was no indication that it ever got that far."[18]

Given how delicate the situation was between India and Pakistan by the summer of 1990, the Bush administration sent a delegation headed by Robert Gates, Deputy National Security Advisor, on a mission to South Asia to exercise preventive diplomacy. Gates delivered two stern warnings to GIK and Beg – first, to stop supporting the armed insurgency in Kashmir and second, to roll back the nuclear capability. Otherwise, Bush would not be able to provide the annual Pressler certification. In India, Gates warned to withdraw troops from the border, warning that Pakistan could resort to the use of nuclear weapons in an act of desperation. According to the oral history interview of Ambassador Robert

Oakley, who was the U.S. Ambassador in Islamabad at the time, he, along with Bill Clark, the U.S. Ambassador in India, recommended that "the U.S. initiate a concerted effort with the Soviets, Chinese, Japanese and the EU countries to have each of these governments bring some pressure on Pakistan and India – in their own way and on their own time." Oakley maintains that concerted efforts by 'all major powers' influenced India and Pakistan, and by the time Gates mission had met and warned both countries of the consequences of their armed conflict, 'tensions had already begun to abate.' According to Oakley, "both sides used his [Gate] visit well by using it as an excuse to back off – which they had already decided prior to his visit. Gate's trip was very useful as a cover for both Pakistan and India and to insure that the tensions stayed in abeyance."[19]

The crisis ended after several weeks with India and Pakistan pulling back their troops from the border. However, for Pakistan, another crisis was in the making. On August 6, 1990 President GIK exercised the eighth amendment to dissolve the national assembly and dismissed Benazir Bhutto's government. A caretaker government was installed, and new general elections were called on October 24, 1990. There were two main challenges for GIK after Bhutto's dismissal. One, to carry out Pakistan's decision to join the U.S.-led coalition to liberate Kuwait after the Iraqi invasion of Kuwait that took place on August 2, 1990. Second, to convince the Bush administration that the status of Pakistan's nuclear program was 'unchanged' since last year's certification. While he succeeded on the first account and joined the U.S.-led coalition, he failed to convince the administration on the status of Pakistan's nuclear weapons program.

The Pressler Sanctions on Pakistan

October 1, 1990 is etched in the memory of many Pakistanis as the date on which the United States of America showed its 'true colors' and parted ways with its one-time ally, Pakistan. But more than that date, what Pakistanis remember of October 1990 is that it was when U.S. slammed Pakistan with 'Pressler' sanctions. Based on his observations during his stay in Pakistan from November 1995 to April 1996, Dennis Kux writes of his impressions of the resentment in Pakistani public after the Pressler sanction as follows:

> Pakistanis were particularly incensed that Pressler amendment sanctions penalized only their country and did not punish India, which had actually exploded a nuclear device in 1974. They charged that the United States had once more – as in 1965 – proved to be a "fickle friend." Observers commented acidly, "With Afghan war over, the United States no longer need[s] Pakistan. You Americans have discarded us like a piece of used Kleenex."[20]

In the absence of President Bush's certification and determination on Pakistan's lack of 'possession' of nuclear weapons, the Pressler amendment automatically went into effect after October 1, 1990. But it was not a surprise for Pakistan, at least not for the GOP, for it had been forewarned. On 19 September 1990, a month after GIK had dismissed Benazir Bhutto's government, U.S. Ambassador Robert Oakley met him in Islamabad. He carried with him a detailed letter from President Bush informing GIK of the consequences if presidential certification on Pakistan's nuclear program was withheld for Pakistan for FY 1991 triggering the Pressler amendment. Bush outrightly told GIK that it would not be possible for him to certify in October 1990. He wrote,

> In recent months we have obtained information giving us reason to believe that the status of your nuclear program has changed. This is deeply disturbing to me, particularly because of my responsibilities under the Pressler amendment. I must in all honesty advise you that under present circumstances, it is not possible for me to certify Pakistan's compliance with this law. Much is at stake for our bilateral relationship, for democracy in Pakistan and for peace and stability in the subcontinent.

Bush informed GIK that he would try to approach Congress to delay cutting off U.S. assistance to Pakistan for a period of time until the new government was in place and had a fair chance to stop Pakistan's progress towards nuclear weapons, but that in order for Pakistan to warrant such flexibility, the GOP had to do more than simply give more assurances. Bush reminded GIK of his earlier warnings to him and Benazir Bhutto about the steps Pakistan needed to undertake for the Pressler certification to be made. In addition to Pakistan working cooperatively with the U.S. towards a negotiated, regional non-proliferation solution, Ambassador Oakley repeated in his meeting with GIK the three steps that President Bush had referred to in his letter and which were essential for certification. They were: cease production of highly enriched uranium; refrain from production of highly enriched uranium metal; and ensure that Pakistan does not possess any highly enriched uranium metal in the form of nuclear device components.

After sharing the contents of Bush's letter, Ambassador Oakley told GIK that each step was critical to the President's ability to certify. Oakley informed GIK that the United States appreciated Pakistan's nuclear restraint policy the previous year (1989) of stopping uranium enrichment, because it halted the further accumulation

of material which could be used to fabricate nuclear weapons. The GOP was warned that restarting uranium enrichment would seriously "undermine the credibility of the new government's assurances that it has no intention of acquiring nuclear weapons and would therefore undermine the President's ability to certify." In elaborating each of the steps mentioned above, Oakley stressed that refraining from the production of highly enriched uranium metal was essential because production of metal clearly suggested an intention to fabricate nuclear weapons components. Moreover, if the highly enriched uranium was kept in the UF6 (uranium hexafluoride gas) form rather than converting to metal, it would be an indication that "political and technical barriers have been inserted in the process of weapons fabrication." Oakley repeated all the previous times Pakistan was warned to ensure that it did not 'possess any enriched uranium metal in the form of nuclear device components, or nuclear cores' for if one such core component was fabricated, 'Pakistan would be able to assemble a nuclear device on very short notice' thereby making it impossible for President Bush to certify. For the Pressler law to take effect, final assembly of a nuclear explosive device was not a requirement to meet the Pressler amendment definition of possession of a nuclear device. Further, in order for Pakistan to escape the Pressler sanctions, it was essential that Pakistan not 'possess' even one highly enriched uranium core.[21] In his oral history interview, Ambassador Oakley remembers the delivery of Bush's letter to GIK as a 'unique experience' in his life. He stated,

> It was a very uncomfortable experience which I did not perform with any great relish. I gave it to the President; I told him that I had talked to him about this eventuality for months. He was shocked and most upset because he, like most of the Pakistani

> leadership, never expected the U.S. to take such drastic action…. The Pakistani government did not release the letter so that the press and the public were really unaware of our decision until October 1 when our assistance programs were stopped entirely. In fact, as I remember it, the first public announcement of our action was made by some Congressmen – the supporters of non-proliferation.[22]

Ambassador Oakley also recalled the meeting between Pakistan's Foreign Minister Yaqub Khan and the U.S. Secretary of State, James Baker in the UN in October 1990, a meeting that Oakley attended since he was in the U.S. on leave from the mission in Islamabad. As Oakley recollects, Yaqub Khan told Baker that Pakistan could take actions to re-freeze the uranium enrichment program but would not destroy what had already been built, and that was unacceptable to the United States.[23] But the decision was still not shared with the Pakistani nation, and an impression was given that some solution to the Pressler issue was being worked out. Even though Yaqub Khan and Secretary Baker's meeting ended on a categorical note, upon his return to Pakistan on 12 October 1990, Yaqub Khan stated that the Pressler amendment certification was under review by the U.S. administration and high-level discussions were underway to resolve the issue of restoring military and economic assistance to Pakistan.[24] Ambassador Najmuddin Shaikh recalls that the U.S. did share information about the non-issuance of the Pressler certification shortly after the Benazir government was dismissed and believes that 'the victory in Afghanistan [which was consequently a reduced requirement of Pakistan's cooperation] and the immediate accretion in the strength of the 'non-proliferation lobby' precipitated the decision to refuse certification."[25]

The 'non-proliferation lobby' in the United States referred to by Ambassador Shaikh was indeed satisfied with President Bush's non-certification on Pakistan, even when Bush was 'genuinely sad' about his hands being tied by the Pressler amendment.[26] But some were more sympathetic to Pakistan in the aftermath of Pressler than others. In his memo to the members of Senate Committee on Foreign Relations on Oct 2, 1990, Peter Galbraith, staff member of the SFRC, informed the Senators of the impact of non-certification on Pakistan. He wrote,

> Non-certification has two consequences. First, it should cut off all assistance and arms deliveries to Pakistan including aid in the pipeline and military equipment purchased but not yet delivered. This will deliver a severe blow to a Pakistan economy reeling from the fall-out of the Gulf crisis and to a military heavily dependent on U.S. equipment. The second severe consequence of non-certification will be on India. Although the legal standard for certification is affirmative knowledge of a negative (i.e. Pakistan's non-possession), non-certification will be widely seen in India as a U.S. declaration that Pakistan has nuclear weapons. This in turn could lead to a politically weak V.P. Singh government…to declare India an official nuclear power and perhaps to stage a second test. This would be the prelude to a South Asia nuclear arms race.

Galbraith suggested to the committee that in order to avoid both these consequences and instead of extending or making a legislative change to the amendment, it would be a better course if the administration was to announce that the certification was 'under review.' Doing so would provide the newly elected government (post-24 October 1990 elections) time to take the necessary steps to bring Pakistan into compliance. Such 'compliance' Galbraith argued would not

be difficult and would essentially involve a two-week (or so) lead time "prior to possession of nuclear weapons rather than actual possession." Furthermore, Galbraith suggested that the 'under review' approach would "avoid the shortcoming of the U.S. backing down on a major demand." He reasoned that "for years the Administration and Congress have both told Pakistan it could not have aid or arms sales if it developed nuclear weapons. Now that they appear to be crossing this line, we would lose all credibility on the nuclear issue (and perhaps other issues) if we now say we didn't really mean it."[27] However, voices like Galbraith's were few and far in between.

The administration's efforts to funnel short-term foreign aid to Pakistan in the absence of presidential certification met resistance at Capitol Hill. Congressman Stephen Solarz, Chairman House Foreign Affairs Subcommittee on Asian and Pacific Affairs, said at a meeting of his subcommittee that "Pakistan's continued efforts to develop nuclear weapons required the administration to enforce a law that would end about $500 million in annual economic and military aid" and that "under these circumstances, it would appear we would have no choice but to terminate all U.S. assistance to Pakistan, as required by law." Solarz reflected Congressional impatience with the GOP and said that "he would no longer agree to such waivers."[28] In addition to Senator Solarz, Senators Larry Pressler, Alan Cranston and several others were also of the same view.

Senator John Glenn's record of opposition to Pakistan's nuclear program was not new. He had registered his opposition to Pakistan's bomb and to U.S. aid facilitating Pakistan's nuclear program through numerous floor statements, letters to various presidents, newspaper editorials, Congressional hearings and his

drafted non-proliferation bills for more than a decade. When the administration approached Congress one more time to waive the Pressler provisions, Glenn said "no way" and that as long as he was in the Senate, aid was not to be resumed while Pakistan remained non-compliant to U.S. non-proliferation laws. Glenn was convinced of Pakistan's lack-of-innocence because the administration had shared with him in April 1990 the news of the secret existence of a "design of Pakistan's nuclear bomb" developed by U.S. national laboratories which had been shared with two Pakistani officials in 1986. This information was part of a declassified secret working paper submitted to the Senate Select Committee on Intelligence by Admiral James D. Watkins, Secretary of Energy, Department of Energy (DOE), in response to the Committee's inquiries about DOE's involvement in the certification of Pakistan's nuclear program under previous administrations. In his paper, Watkins informed the Chairman of the Committee, David L. Boren, that "prior to 1990, DOE's principal role in the development of the Administration's certification of Pakistan's nuclear program involved providing input to the preparation of an Intelligence Community estimate on Pakistan's nuclear capabilities." In 1990, the DOE became an active participant in the Pressler certification process for the first time. According to the heavily redacted declassified copy of Watkin's working paper, the DOE had submitted the following replies to the Committee's questions,

> *Was this model ever shown or briefed to other foreign nations; when and under what legal authority?*
> Pakistani Foreign Minister Yaqub Khan was accompanied by Pakistan's Ambassador to the U.S., Ejaz Azim Malek, when he was shown the model in 1986. Mr. Robert Gates, then-Deputy Director of the CIA, approved the State Department request to

> show the model to Pakistan's Foreign Minister. The then-DOE Assistant Secretary for Defense Programs, Admiral Sylvester M. Foley (retired) approved the release of Secret Restricted Data.
> *Who in the Congress has been shown this model?*
> To our knowledge, no member of Congress has seen this model.
> *How long was the gap in time between creation of the model and notification of Congress?*
> Ambassador Richard T. Kennedy briefed Senator Glenn on the model's existence in April 1990.
> *Have any other models of nuclear weapon designs of any other nations been prepared or shared with foreign nationals? If so, which nations, when were these models created, and who in Congress has been notified (and when)?*
> No other models of proliferant nuclear weapon designs have been built by DOE or by its laboratories.[29]

This document also reveals that despite the administration's knowledge of Pakistan 'possessing' nuclear weapons since 1986, certifications of Pakistan's non-possession were provided to enable the continuation of U.S. economic and military assistance until 1990. That, however, was about to change. Given the strong congressional opposition, the administration's attempts to seek a Pressler waiver in order to continue aid to Pakistan until after the elections, proved unsuccessful. Mian Mohammad Nawaz Sharif, who was the leader of the opposition during Benazir Bhutto's government, won the October 1990 elections to become the 12th Prime Minister of Pakistan. In his election campaign, Sharif had blamed Benazir Bhutto of selling out to the "American nuclear imperialism, blackmail and exploitation."[30] But Benazir Bhutto was not out of the national scene. She accepted her defeat graciously and became the leader of the opposition.

The Aftermath of the Pressler Sanctions

The Sharif government had inherited the Pressler sanctions and their consequences – the biggest being the issue of continued payments and the subsequent release of the PG III and IV F-16s. The Bush administration attempted to find a way to get those to Pakistan, but the Congressional odds were against them. According to Dennis Kux, few in the G.H.W. Bush administration were happy about the Pressler sanctions, especially not the Defense Department. The most immediate issue on which a settlement had to be reached by both governments was whether Pakistan was to continue making payments for those F-16s that were signed to be delivered but were now withheld due to the sanctions. Kux writes,

> In part to help the financially troubled General Dynamics Corporation, with whom Pakistan had contracted to purchase the aircraft, the Pentagon urged Islamabad not to stop payments – even though deliveries were frozen by the Pressler amendment. Defense Department officials asserted that nonpayment would breach the F-16 contract and make it harder to gain congressional support for an easing or lifting of Pressler sanctions.

Pakistan agreed to continue to make the payments and "even though the F-16s remained mothballed on the western desert sands of Arizona, the U.S. supplier received an additional several hundred million dollars before Pakistan finally suspended disbursements in 1993."[31] According to some Pakistani perspectives, continuation of payments for the F-16s gave Pakistan hope to recover the F-16s if the Pressler sanctions were lifted. Riaz Mohammad Khan, who was Director General for Afghanistan and the Soviet Union Affairs at Pakistan's Ministry of Foreign Affairs from 1986 to 1992,

explained Pakistan's position on the Pressler amendment and payments for the F-16s as follows:

> Initially what greatly rankled with Pakistani side was that the sanctions imposed under Pressler were applied as if with a vengeance. A large number of tanks sent for retrofitting and substantial quantities of equipment which was purchased were literally off loaded from ships and confiscated. F-16s deal also presented a dilemma for Pakistan. If Pakistan had stopped payment of installments, it would have been blamed for default and according to the negotiated terms, the agreement would have legally lapsed with Pakistan losing the money already paid. By keeping to the schedule of payments Pakistan hoped to maintain the legal integrity of the agreement and to keep alive the possibility of either receiving the planes or the money under improved circumstances in the future.[32]

Former Ambassador Najmuddin Shaikh also maintains the same,

> From the State Department's perspective, it was important that the installments for the undelivered F-16s continued to be paid since this was an FMS contract which the US government had reached with the suppliers and in case of our default the bill would have to be picked up by the US government. We were therefore pressed to continue payments and even pay parking fees for the planes that were parked at a US air force base. Again, this was done because there was the futile hope that they would eventually be released.[33]

In addition to the challenges Pakistan faced on continued payments for the withheld F-16s, Pakistan's economic progress also suffered due to the Pressler sanctions. Feroz Khan writes that "in 1990, Islamabad embraced economic liberalization, which led to an

average growth rate of 5 percent until 1993." In his interview with Khan, former Finance Minister Sartaj Aziz recalled the damaging impact of the Pressler sanctions on Pakistan's economy as follows:

> It is ironic to recall that the much-delayed economic liberalization programme of 1991-1993 coincided with the Pressler sanctions… Pakistan undertook these investments in the expectation that multilateral and bilateral donor agencies would support the required investments. But the stoppage of American assistance reduced the net flow of foreign assistance from $3.4 billion in 1990 to $1.9 billion in 1993… [M]any industrial units closed down and the rate of that brought down the overall GDP growth rate from 6.5% in the 1980s to 4.6% in the 1990s.[34]

Things for Pakistan were about to get much worse. Pakistan under Nawaz Sharif's government entered into several contracts with China to build nuclear power plants in Pakistan and to acquire missile technology. In 1992, based on the U.S. intelligence of missile technology transfers between Pakistan and China, especially the nuclear-capable missile M-11, the Bush administration imposed sanctions and blacklisted the Chinese and Pakistani entities involved in the transaction. Even though neither Pakistan nor China were part of the Missile Technology Control Regime (MTCR), U.S. law imposed sanctions on countries that violated MTCR standards, which prohibited export of missiles with payload of more than 500 kilograms over a distance greater than 300 kilometers.[35] After China's agreement to abide by the MTCR guidelines, the sanctions were lifted in 1992, only to be reversed again in 1993.

The issue of the release of F-16s for which Pakistan had made payments, did not resolve during the Bush administration. The

State Department, however, did find a way to support Pakistan by a decision to allow private commercial sales of defense articles and spare parts for those F-16s that were already in Pakistan's inventory even after the sanctions were invoked.

Bush Administration's Interpretation of the Pressler Amendment

In early 1992, the U.S. administration was embroiled in a controversy about its interpretation of the Pressler amendment which had allowed private commercial sales of defense articles and supplies to Pakistan from October 1990 to March 1992. The difficulty arose from a statement by Pakistan's Foreign Secretary, Shahryar Khan on Pakistan's nuclear capability at the UN on 07 February 1992. His statement became the first formal acknowledgement by the GOP of Pakistan's possession of nuclear capability. Khan stated that Pakistan had possessed the nuclear capability since 1989, but decided not to develop the nuclear bomb and instead froze the program.[36]

The Bush administration had continued to provide Pakistan the supply of commercial sales of over $100 million despite the ban on military sales under the Pressler amendment. It appeared that the administration had failed to apprise Congress of its commercial sales to Pakistan after it was under the Pressler sanctions, and only an inquiry from the State Department Inspector General's Office in March 1992 brought this violation to light. The administration's position was that no new technology was being provided to Pakistan and the commercial sales to the GOP consisted of spare parts for the F-16s that were already in Pakistan's inventory. As a result of the Pressler sanctions and aid cut off, Pakistan had suffered a loss

of approximately $600 million since October 1990, and, it was the administration's position that it was more punishment than any other country had suffered for a violation of U.S. law.

On 30 July 1992, Senate Foreign Relations Committee convened an important hearing on the administration's interpretation of the Pressler amendment. The Chairman of the Committee, Senator Claiborne Pell told the committee that the Pressler amendment clearly stated that no military equipment or technology may be sold to Pakistan under any law unless the presidential certification of Pakistan's non-possession of nuclear weapons is provided and Pakistan was given a clear choice to choose between a sophisticated conventional military capability and a nuclear capability. Table. 4.1 provides the approved amounts of defense articles and services under commercial arms exports for Pakistan subsequent to the application of the Pressler amendment in October 1990.

Table 4.1 Approved Sales of Defense Articles and Services to Pakistan after the Pressler Sanctions 1990-1992 (in $ million)[37]

Oct. 1 to Dec. 31, 1990	1,420,860
Jan.1 to Mar. 31, 1991	21,781,980
Apr. 1 to June 30, 1991	44,369,819
July 1 to Sept. 30, 1991	41,060,873
Oct. 1 to Dec. 31, 1991	50,175,898
Jan. 1 to Mar. 31, 1992	21,781,980

In his opening statement, Senator Pell admonished the administration for breaking the law by permitting Pakistan to buy spare parts for its existing American-supplied weapons and

to make commercial purchases in the United States. Pell argued that doing so defeated the non-proliferation goals of the Pressler amendment and was a blatant violation of the law. Senators Larry Pressler, John Glenn and Alan Cranston – the original authors of the Pressler amendment – presented extensive arguments during the hearing on the administration's violation of the Pressler amendment to accommodate Pakistan. Senator Pressler shared with the committee a jointly drafted letter by the three Senators written to Secretary of State, James Baker expressing their shock and disappointment at the administration's 'interpretation' of the Pressler amendment to continue commercial arms sales to Pakistan. The letter stated,

> We are stunned to learn that the Department of State is considering the sale of spare parts and other military equipment to Pakistan in violation of Section 620 E(e) of the Foreign Assistance Act (the Pressler Amendment)… Since October 1, 1990 the President has been unable to make the Pressler certification. As a result, all military sales and transfers, including all spare parts and items paid for by Pakistan but not yet delivered, are prohibited. The language of the Pressler Amendment is straightforward and absolutely clear. No military equipment or technology is to be sold or transferred to Pakistan without the required certification. We are the authors of this provision, and we chose our words carefully. We used the broadest possible language so that all military sales and transfers, regardless of source or type of control, would be blocked in the event Pakistan failed to comply with its non-proliferation obligations… We cannot comprehend how our simple and direct language could conceivably be interpreted as permitting commercial sales. We recognize that some elements of your Department do not like the policy embodied in the Pressler Amendment. The appropriate response, however, is to

> seek a revision of the law, not to find some totally baseless legal rationale for evading it… No military equipment or technology may go to Pakistan – whether such technology is FMS or commercial sales, or whether such technology is a gift or a loan – under the terms of the Pressler Amendment.[38]

Michael J. Matheson, Principal Deputy Legal Adviser, U.S. State Department provided the administration's position on the interpretation of the Pressler Amendment. Matheson stated,

> We believe that the Pressler Amendment does not, as a matter of law, prohibit the licensing of commercial arms exports. And by that, I mean exports conducted by private parties and not financed by the U.S. Government… the operative language of the Pressler amendment does not, in our view, deal with the licensing of commercial arms exports. Like the rest of the Foreign Assistance Act, the amendment is directed to the U.S. Government rather than to private parties…. In commercial arms export transactions, the Government does not sell or transfer military equipment or technology. Nor are such private sales and transfers authorized by any act, and in fact, they require no statutory authorization. Where Congress has intended to prohibit the licensing of commercial arms exports, it has done so explicitly, recognizing that this is an unusual step… we examined the legislative record of the Pressler amendment to see whether Congress had indicated any attempt to depart from this clear pattern, and we found none… the record focuses on the effect of U.S. assistance programs and FMS sales on Pakistani actions in the nuclear area. The record suggests that Congress intended to reverse the effect of the waivers that the executive branch had given to exempt Pakistan from sanctions under the nuclear nonproliferation provisions of the Foreign Assistance Act. But these sanctions do not include the suspension of commercial arms exports. Given this history, we

> could not reasonably have advised our clients [policymaking officials of the State Department] that the Pressler amendment prohibited the licensing of commercial arms exports, and we did not do so.[39]

The administration had a solid case. While Senators Pressler and Glenn argued during the hearing that their 'intent' was to include 'private commercial transactions/sales' to Pakistan in the transactions to be suspended as part of the Pressler sanctions, the legislative record did not include the term 'commercial sales' to express that intent – in the absence of which it was reasonable to assume that commercial sales were permitted. In explaining the administration's intent to continue provision of limited commercial sales to Pakistan, John R. Malott, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs stated,

> After the invocation of the Pressler amendment, our relationship with Pakistan has been severely strained. What we are trying to do is to maintain some degree of access and influence with a government whose cooperation is essential to meeting key American objectives in the region, including nonproliferation, but also narcotics and stability in Afghanistan. We believe that if we are to promote a regional solution to nonproliferation, then cooperative ties with both countries, India and Pakistan, are essential. Instead of helping us accomplish our nonproliferation and other policy objectives, a termination of all sales could work against their achievement. It would undercut those people in the Pakistani Government who are seeking to improve their government's relationship with the United States. And rather than cave in, Pakistan most likely would look for other options.[40]

The administration officials informed the Committee that, due to the Pressler sanctions, the U.S. was withholding 11 F-16s in addition to another batch of 60 F-16s for which Pakistan had already made the payments. The administration's position that it was a 'heavy price to pay' for a country that had great concerns about its national security and which was heavily dependent on the U.S. military supplies and spare parts, was not received well by the architects of the Pressler amendment.

It is remarkable that at the cost of annoying the non-proliferation lobby in the Congress, the Bush administration created space for sustained interaction with Pakistan even after its nuclear weapons program was no longer a secret. As Bush's term drew to a close, one thing was clear: Pakistan had accepted the Pressler challenge, and it was not going to roll back its nuclear weapons program under any pressure.

Notes

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4. Dennis Kux, *Disenchanted Allies*, 299

5. Kux, 300

6. Stephen Engelberg, "U.S., Pakistan and Atom Arms," *New York Times*, June 11, 1989 (The New York Times 1923-Current File), pg.1

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12. "Chronology of Pakistan's F-16s program," Memorandum to Sen. John Glenn from Randy Rydell Staff of the Senate Committee on Governmental Affairs, April 12, 1995, RG, 57/a – 67/2 JHG Subject Files, Pakistan Nuclear Nonproliferation issue, General File, 1995-96, John Glenn Archives, Ohio State University, OH

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14. Ibid, 229-232. For another perspective see P.R. Chari et al., *Perception, Politics and Insecurity in South Asia: The Compound Crisis of 1990* (London: Routledge Curzon, 2003)

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16. Reiss, 191

17. Seymour M. Hersh, "On the Nuclear Edge," *The New Yorker*, March 29, 1993

18. Douglas Jehl, "Did India and Pakistan Face Atomic War," *New York Times*, March 23, 1993 (The New York Times 1923-Current File)

19. Charles Stuart Kennedy and Thomas Stern, Oral History Interview of Ambassador Robert B. Oakley, The Association of Diplomatic Studies and Training Foreign Affairs Oral History Project, July 7, 1992, 140

20. Kux, 310

21. "Presidential Letter on Nuclear Certification," Cable from Secretary of State James Baker for action to Ambassador Robert Oakley American Embassy Islamabad directing Oakley to deliver Bush's letter to GIK along with the talking points, September 19, 1990, Richard N. Haass Files, NSC, Meeting Files, NSC/DC Meeting-October 9, 199 Re: Pakistan, Bush Presidential Records, George H.W. Bush Presidential Library, College Station, TX. The cable was copied to US mission in Vienna directing Ambassador Kennedy to do a follow up meeting with PAEC Chairman Munir Ahmed Khan on the margins of the IAEA General Conference in Vienna and use the same talking points in his discussion with Khan to register U.S. demarche on the subject.

22. Oakley OHI, 146

23. Ibid, 146

24. "Pakistan and the World (Chronology: October-December 1990)," *Pakistan Horizon*, Vol.44, No.1 (January 1991), pp.93-106; 105.

25. Interview with Ambassador Najmuddin Shaikh on the subject of Pressler certification, sanctions, and its aftermath on 7 February 2015.

26. Kux, 308.

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CHAPTER 5

CLINTON ADMINISTRATIONS' NON-PROLIFERATION POLICY TOWARDS PAKISTAN

Overview

William Jefferson Clinton became the 42nd President of the United States and stayed in office for two consecutive terms with his first four-year term beginning in January 1993. With Al Gore as Vice President, Clinton appointed Warren Christopher as his Secretary of State (who had also previously served as Carter's Secretary of State) and Anthony Lake as his National Security Advisor. Clinton had won the presidency in the first U.S. campaign after the Cold War and his vision was to refresh the look of American foreign policy in this new world where the U.S. had clearly emerged as the sole superpower. Clinton pledged to promote the values of democracy, human rights and non-proliferation – areas in which the Democrats had always considered themselves at a higher pedestal than their Republican counterparts. Out of these three policy areas, nuclear non-proliferation and the threat of Weapons of Mass Destruction (WMD) emerged as the most important policy area for the Clinton administration in his first term given the proliferation dangers in the Newly Independent States (NIS)

of Kazakhstan, Ukraine and Belarus – all three of which had inherited approximately 3000 nuclear weapons from the former Soviet Union. While Clinton had some success bringing the NIS into the NPT fold, he was not so lucky with South Asia.

Amongst the foreign policy challenges that Clinton inherited from the Bush administration, Pakistan's continuing advances in nuclear weapons development, Pak-China nuclear technology cooperation and Indo-Pak tensions over Kashmir dictated his South Asian foreign policy agenda. At the beginning of his term, Clinton set out his non-proliferation agenda to achieve a Comprehensive Nuclear Test Ban Treaty by 1996 and also to achieve a global consensus on the fissile material production cutoff for nuclear weapons. Though the international community welcomed his initiatives, South Asia with India and Pakistan as two nuclear threshold states, posed enormous challenges for the administration on both counts.

Corresponding to Clinton's two terms in office, political musical chairs ensued in Pakistan between Nawaz Sharif and Benazir Bhutto where the two leaders alternatively set shop for brief periods between 1993 and 1999. When Clinton started his first term, Nawaz Sharif was still in office. It was not until March 1993 when Sharif attempted to repeal the eighth amendment to strip the President of his powers that President Ghulam Ishaq Khan decided Sharif's fate. A month later, GIK called for fresh general elections by dissolving the National Assembly and dismissing Sharif's government. The charges against Sharif – corruption, incompetence, nepotism – were almost identical to those GIK had used to dismiss Benazir Bhutto's government in 1990. But Sharif

refused to go down without a fight and in May 1993 he filed a petition challenging GIK's order of his government's dismissal in the Supreme Court. In what became a historic decision in Pakistan's political and constitutional history, the Supreme Court unanimously decided to reinstate the National Assembly and Nawaz Sharif as the Prime Minister of Pakistan stating in its decision of 26 May 1993 that the President of Pakistan, GIK's decision to dismiss Sharif's government was an unlawful act since there was no constitutional breakdown warranting the President's use of his powers under the eighth amendment. However, the rivalry between GIK and Sharif after the latter's reinstatement had made it impossible for the government to function. The political standoff between GIK and Sharif ended after Army's mediation, forcing both to resign from their respective offices in July 1993. General elections were held in October 1993 and Benazir Bhutto became the Prime Minister of Pakistan for the second time.

After the presidential elections, Bhutto appointed Farooq Leghari as the 8th President of Pakistan and the first Baloch to become the President since Pakistan's independence in 1947. Leghari did not have a political background and he was carefully chosen to serve as a puppet-head but he surprised everyone by dismissing Benazir Bhutto's government in November 1996, exercising his powers under the eighth amendment. This time the charges against Bhutto's government were yet again corruption, incompetence to maintain law and order in the country especially Karachi, extra-judicial killings but above all, Benazir's blaming the Army and the President for the death of her younger brother Murtaza Ali Bhutto who was shot in a police encounter on 20 September 1996. Elections were held in February 1997 and once again Nawaz

Sharif came to power as the 12th Prime Minister of Pakistan. It was during this second term that Sharif was successful in repealing the eighth amendment curtailing presidential powers to dismiss an elected national assembly. Sharif's stay in power, however, was shortened by a military coup in October 1999 led by General Pervez Musharraf who had been handpicked by Nawaz Sharif to become the Chief of the Army Staff and also the Chairman Joints Chief a year prior to the coup.

During approximately three-year long terms each of Benazir Bhutto's government from October 1993 to September 1996 and Nawaz Sharif's government from February 1997 to October 1999, U.S.-Pak bilateral relations were anything but steady. However, there was but only one constant – Pakistan's nuclear weapons program on which neither Bhutto nor Sharif compromised. This chapter examines the Clinton administration's non-proliferation policy towards Pakistan from 1993 to 2001 in the wake of the developments in Pakistan's nuclear weapons program, enactment of the Brown amendment resulting in the release of defense equipment for Pakistan, the administration's blind-eye to Pak-China and Pak-North Korea missile and nuclear technology cooperation, resolution of the embargoed F-16s for Pakistan, Pakistan's nuclear weapons tests in May 1998 and U.S. nuclear diplomacy during the Indo-Pak Kargil crisis in 1999.

President Clinton's eight years in office corresponded with Pakistan's final march towards an overt nuclear capability. India and in response Pakistan, tested their nuclear weapons in May 1998 triggering the Glenn-Symington sanctions against both countries – perhaps the only time Pakistan was satisfied about equitable

non-proliferation justice meted out by any U.S. administration. The Clinton administration's non-proliferation policy has been heavily criticized over a period of years but for Pakistan, these final eight years were critical in perfecting and testing its nuclear weapons capability. Both Benazir Bhutto and Nawaz Sharif refused to give in to any pressure, negligible as it was, on Pakistan's nuclear weapons program.

The events discussed in this chapter reveal how Clinton administration's non-proliferation policy resembled that of Reagan and Bush's policies towards Pakistan. The Clinton administration believed that the Pressler sanctions were not an effective way of integrating Pakistan into the non-proliferation regime and supported the Brown amendment. This eased the effect of the sanctions allowing for a one-time release of the withheld defense equipment for which Pakistan had paid for prior to the Pressler sanctions. The U.S. administration made several accommodations for Pakistan. It ignored the sale of M-11 missile transfer from China to Pakistan, Pakistan-North Korea missile technology trade, and China's sale of ring-magnets (a critical component for gas centrifuge plants) to Pakistan to facilitate its uranium enrichment program. By shifting its non-proliferation goalposts, the Clinton administration deliberately overlooked Pakistan's nuclear weapons development, which allowed Pakistan to be in a position to test its nuclear weapons in 1998 in response to the Indian nuclear tests. Pakistan did what was best in its national interest in the most critical decade leading to its overt nuclearization.

Pakistan's Embargoed Defense Equipment, F-16s and the Brown Amendment

Benazir Bhutto started her second term in office in October 1993 by openly stating in her televised inaugural address that Pakistan would not dismantle its nuclear weapons program. Her statement was in contrast to her assurances to the United States against the existence of such a program just three years earlier when she was in power.[1] No longer deterred by a hostile president or excluded from the nuclear decision-making circle, Benazir Bhutto vigorously worked towards the release of Pakistan's F-16s and other defense equipment for which Pakistan had been making payments until 1993.

Fig. 5.1 shows the total value of Pakistan's FMS program and payments made by the GOP for the F-16 aircraft from 1989 to 1993 for the PG III and IV programs that were signed in 1989. After the dismissal of Sharif's government in July 1993, the caretaker Prime Minister Moinuddin Qureshi, a Pakistani economist and former Vice President of the World Bank stopped payments to the General Dynamics Corporation for the F-16s that were stored in Arizona at Pakistan's expense.

The Clinton administration – especially the Bureau of South Asian Affairs headed by Assistant Secretary Robin Raphel at the State Department and the Department of Defense headed by Secretary of Defense William Perry – was sympathetic to Pakistan's case after the Pressler sanctions. In addition to Secretaries Raphel and Perry working, Senator Hank Brown (R-CO) who became the Chairman of the SFRC's South Asia Subcommittee in 1994 also worked for Pakistan's relief from the Pressler sanctions on the Hill.

Table 5.2 Pakistan's 28 Undelivered F-16s[2]

11 F-16s Undelivered

PEACE GATE III: LOA Signed in 09 Jan 1989

Case Value: $199.738 M - Funded with $199.738 M in FMS Credits

Fiscal Year	Amount of FMS Credit Used ($ Million)
FY 1989	0.105
FY 1990	48.905
FY 1991	39.276
FY 1992	87.262
FY 1993	24.190
Total	$199.738 M

17 F-16s Undelivered

PEACE GATE IV: LOA Signed in 02 Oct 1989

Case Value: $1.407 B, Collections $658 M - Funded entirely by the GOP national funds $658 M

Fiscal Year	Amount of Cash Paid ($ Million)
FY 1990	50.000
FY 1991	150.000
FY 1992	243.000
FY 1993	215.000
Total	$658.000 M

In an interview with Dennis Kux, Senator Brown told Kux that "a trip to the subcontinent had convinced him that the draconian sanctions against Pakistan were damaging U.S. interests" and he was "particularly annoyed" when Senator Pressler who had accompanied him on the trip "defended the sanctions in terms of preventing an 'Islamic Bomb'" during a press conference in Islamabad.[3]

Senator Brown was referring to his trip to Korea, Burma, India, Pakistan, Kuwait and the IAEA with Senators Larry Pressler (R-SD) and William Cochran (R-MS) from December 5 through December 19, 1993. A report of their visit to Pakistan reveals how the issue was presented to them by the Pakistani side. In their meetings with political leaders and defense personnel in Pakistan, the Senators were briefed on Pakistan's perception of the Pressler sanctions. In their first meeting with the Chairman Senate, Wasim Sajjad, the Senators were told that "the Pressler Amendment was discriminatory and had weakened Pakistan's defense capability by denying the country arms from the United States, its longtime ally" and that "the Amendment had neither promoted stability nor prevented proliferation on the subcontinent." Sajjad told the Senators that Pakistan was willing to sign the NPT if India did and would accept any non-proliferation initiatives as long as India was on board. Pakistan's Minister of Defense, Aftab Shaban Mirani, Foreign Secretary, Shahryar Khan and Minister of Foreign Affairs, Sardar Asif Ahmed Ali, shared similar sentiments with the Senators and unanimously asserted that the Pressler sanctions against Pakistan and the non-delivery of 28 paid F-16s was an act of discrimination. President Farooq Leghari and PM Benazir Bhutto also echoed the same. Bhutto told the Senators that "Pakistan

was not asking the United States or Senator Pressler to give up their commitment to nonproliferation, only that nonproliferation requirements apply to all countries and not just Pakistan." By the time the Senators were ready to leave Pakistan they had understood one thing – Pakistanis were very angry about the Pressler sanctions. Before leaving Pakistan, Senator Brown hinted at possible modifications to the Pressler amendment and told the Pakistani leadership that if Congress adopted such modification, it would address the issue of non-proliferation in a broader and more general sense making it less discriminatory for Pakistan.[4] Pakistan was more than keen on any such development.

In early 1994, the administration tired to propose a broad rewrite of the Foreign Assistance Act which was shot down by the Congress. Rebecca Hersman argues in her book *Friends or Foes: How Congress and the President Really Make Foreign Policy* that after the administration's failed attempt to revise the FAA "the Pressler amendment was widely perceived as a congressional sacred cow" and "the Pressler amendment had become symbolic of Congress's place at the vanguard of nonproliferation policy" making Senator Pressler along with Senator John Glenn "one of its most ardent champions."[5] After the administration's failure to win congressional support to rewrite the FAA, Senators Glenn and Pressler effectively blocked its second attempt to provide relief to Pakistan by opposing the administration's proposal to release the stored 28 F-16s to the GOP. In addition to strong congressional opposition by Glenn, Pressler and the arms control lobby, the proposal was also rebuffed by the Indians and the Pakistanis. One U.S. official thought, "the Pakistanis would not bargain away their security for twenty-eight aircraft and the Indians believed that

any initiative to bolster Pakistan's defenses was a threat to their security."[6]

With little to no progress on the Pressler sanctions, Pakistan's narrative of discrimination by the U.S. had taken definitive root and had made Pakistan more aggressive in its efforts towards consolidating nuclear weapons capability. Secretary of Defense, William Perry visited Pakistan in 1995 in an attempt to renew senior level military relations with Pakistan despite the sanctions. Secretary Perry was criticized by the *New York Times* in its editorial for his policy of appeasement towards Pakistan whereby he had assured the GOP that military-to-military contacts could be restored between the two governments despite Pressler sanctions. He told Pakistan that the money could be returned if the GOP found another buyer for the F-16s.[7] Upon his return to the U.S., he addressed the Foreign Policy Association on January 31, 1995 and made the case against the effectiveness of the Pressler sanctions to achieve U.S. non-proliferation goals. In describing Pakistani frustrations over the Pressler amendment, Secretary Perry said, "I've never been to a country where even the taxicab drivers and the school children know in detail about a law passed by the U.S. Congress."[8] Perry was right in his observations. Pakistanis were obsessed with all things Pressler and wanted a relaxation in sanctions or a return of their F-16s. Nothing short of this was acceptable.

Benazir Bhutto visited Washington in April 1995. Even though she had once again managed to charm the American audience, her message this time was crisp and firm: "Refund the money or deliver the equipment, including 28 F-16 jet fighters."[9] For Bhutto,

acceptance of anything less than what she had demanded meant political suicide given the sentiments back home. Delivering on the F-16s would have allowed her to stay a little longer in office this time. President Clinton was forthcoming and the Pak-U.S. joint statement issued during her visit to Washington on April 11, 1995 reflected the Clinton was willing to work with Congress to revise the Pressler amendment in an attempt to develop a stronger relationship with Pakistan while working on nuclear nonproliferation aims in South Asia.[10]

In her speech at Johns Hopkins University on 12 April 1995, she reminded the audience of Pakistan's 'contract' with America and stated,

> After the creation of our nation in 1947, Pakistan's commitment to the forces of freedom and to the containment of communism never wavered. Not for a minute. On every front, on every issue, through a prolonged Cold War and a brutal hot war, Pakistan fulfilled its obligations under its contract with America, Pakistan kept its contract with the ideals of freedom.

During that speech, Benazir Bhutto gave Pakistan's narrative the much-needed voice – the narrative that had taken shape at the end of the Cold War and was reinforced by the Pressler sanctions. Bhutto's statement on Pakistan's position on the nuclear issue was authoritative and well articulated. She said,

> …Let us be candid. The conflict in Kashmir is compounded by the nuclear threat in the region. Let's get the facts on the table, Pakistan did not introduce the nuclear issue to South Asia. It was in 1974 that India produced and detonated a nuclear device

> which it ironically names the "smiling Buddha" (I wonder what the real Buddha would have thought of that). India remains the only nation in South Asia to have exploded a nuclear device. As a matter of policy, Pakistan has not made nor tested a nuclear device. We believe in non-proliferation of weapons of mass destruction. Our nuclear programme is peaceful. But if the existence of our technology and perceived capability has served as a deterrent to India – as a deterrent to a proven nuclear power that has gone to war against us three times in the last 48 years – I certainly have no apologies to make – not in Islamabad, not in New Delhi, and not in Washington D.C.

Bhutto then listed the elements of Pakistan's nuclear restraint regime and proposals that underscored Pakistan's commitment to non-proliferation and told the audience that Pakistan was ready to "sign any treaty encompassing nuclear non-proliferation, a nuclear-free South Asia, a missile-free South Asia, a regional cap on the production of fissile material". Bhutto argued that the Pressler sanctions "acted as an obstacle for a regional solution for nonproliferation" and called for a "review of this discriminatory statute, a review designed to see whether it has fulfilled its purpose or failed." Bhutto's message to the Americans, Congress and the administration was loud and clear,

> Stuck up under the garb of sanctions are $1.4 billion of military equipment paid for out of Pakistan's national funds. If America cannot give us our equipment – give us our money back. And yes, the Pressler Amendment is a setback for Corporate America. It denies risk insurance coverage to American firms wishing to invest in lucrative opportunities in Pakistan. But we also want the delivery of the equipment which is ours, which sits in the deserts of Arizona, including F-16 aircraft that we long ago

> paid for…We have honoured our contract with America. We want America to honour its contract with us. But if the United States will not honour its legal contract with Pakistan, we want the United States to respect its obligations, act honorably and return our money. The planes or our money back. Plain-simple-and fair.[11]

Striking right where it should have, Bhutto's speech made Senator Pressler write an article in *The New York Times* after Bhutto's trip titled 'Bhutto came, She Saw, She Conquered' arguing that if she gets any aid from Clinton, it would be 'illegal.'[12] Senator John Glenn, who was then member of the Committee on Governmental Affairs, also wrote a letter to President Clinton a week after Bhutto's visit, concerned about the direction of his non-proliferation policy towards Pakistan and fearing that his motivation to ease Pressler sanctions on Pakistan would destroy the integrity of U.S non-proliferation values. He also reminded the President that 170 plus nations were meeting in NY to decide on the indefinite extension of the NPT, coinciding with the timing of Bhutto's visit, and any subsequent presidential decision in favor of relaxing Pressler sanctions on Pakistan would shake the faith of all the believers in the non-proliferation regime. Glenn told Clinton, "the U.S. cannot be a champion of nonproliferation on the one hand and a facilitator of nuclear weapons development or delivery on the other."[13] By the time President Clinton replied to Glenn's letter, two things had happened: one, the NPT Review conference that ended in May 1995 successfully decided on indefinite extension of the NPT and second, India which was not a party to the NPT publically rebuffed NPT's indefinite extension stating that it was a discriminatory treaty and also made public its consideration of deploying medium-range, surface-to-surface

Prithvi missile with a range of 250 km along its western border with Pakistan. President Clinton's reply to Glenn made a subtle note on both points and said that the goal of his South Asia non-proliferation policy was to engage both India and Pakistan on the measures adopted by the NPT conference on the Comprehensive Test Ban Treaty and the Fissile Material Cutoff Treaty negotiations. On the Pressler sanctions, Clinton stated that the sanctions were not curbing Pakistan's nuclear activities but stimulating them and that Pakistan maintained that the sanctions unfairly penalized an 'old friend' and sought solution by which both Pakistan and India, not Pakistan alone, would step towards non-proliferation. Clinton informed Glenn of his decision,

> The Pressler Amendment's blanket prohibition on U.S. aid has also hampered the achievement of other U.S. goals in the area and has undermined our influence with Pakistan. I have concluded that the current situation does not serve our interests and that it is time to consider appropriate changes. We are consulting with Congress on how best to revise the Pressler legislation… We want to find an approach that will improve U.S.-Pakistani relations, will advance our nonproliferation objectives in the region and will not upset the regional security balance.[14]

Clinton tried to keep his end of the 'contract' with Pakistan that Benazir Bhutto had referred to in her speech while visiting Washington. The administration backed an amendment proposed by Senator Hank Brown to the 1996 Foreign Aid and Appropriations Bill to modify the Pressler sanctions on Pakistan. Fig.5.2 shows an itemized list of military equipment (minus the F-16s) purchased by Pakistan but not delivered due to the Pressler sanctions.

To support the proposed Brown amendment, Secretary of Defense, William Perry and Secretary of State, Warren Christopher wrote letters to Congressmen explaining the administration's position on the Pressler sanctions on Pakistan. In his letter to Senator Sam Nunn, member of the Senate Committee on Armed Services on August 2, 1995 Secretary Perry shared President Clinton's strategy to deal with the issue of embargoed defense equipment to Pakistan and wrote,

> Based on a detailed review within the Administration and consultations with Congress, the President has decided to address this matter on three fronts: First, he strongly supports provisions already contained in the House and Senate version of the Foreign Aid Authorization bill that would permit us to resume economic assistance and limited military assistance affecting clear U.S. interests (including assistance in peacekeeping, counterterrorism and counternarcotics as well as IMET). Second, the President has decided to seek authority, as provided by an amendment to be proposed by Senator Brown, that would release approximately $370 million worth of embargoed military equipment purchased by Pakistan before the imposition of Pressler sanctions. This authority would specifically exclude the release of the F-16s. Among the items that would be released are three P-3C aircraft, Orion maritime patrol aircraft, Harpoon anti-ship missiles, counter-mortar radars, howitzers, and support kits for F-16s and Cobra helicopters already in the Pakistani inventory. These items will not disturb the conventional arms balance in South Asia which overwhelmingly favors India. Finally, the President has decided that, rather than releasing the 28 F-16s to Pakistan, he will seek to sell them to a third country and deposit the proceeds of any sale in the Pakistan Trust Fund to reimburse, as much as the sale permits, Pakistan's investment in these aircraft.[15]

In a similar effort to reinforce administration's support for the Brown amendment, Secretary Christopher wrote a letter to the Democratic leader, Congressman Thomas A. Daschle on 20 September 1995 which stated,

> We appreciate the bipartisan interest we have seen in improving our relationship with Pakistan. We would support an amendment that would permit aid to Pakistan that is in our own interest, such as trade promotion, counternarcotics assistance, and counterterrorism programs. We also support language that would allow for the return of military equipment for which Pakistan has already paid. To engage Pakistan on issues of concern to us, including non-proliferation, it is essential to resolve this unfair situation.[16]

The text of the Brown Amendment proposed to add the following subparagraph to Section 620E of the Foreign Assistance Act of 1961:

> (a) The restrictions of section 620E (e) of the Foreign Assistance Act of 1961 shall continue to apply to contracts for the delivery of F-16 aircraft to Pakistan.
>
> Notwithstanding the restrictions contained in section 620E (e), military equipment, technology or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts of cases entered into before October 1, 1990.

Table 5.3 Undelivered Military Equipment Purchased by Pakistan Before The Pressler Sanctions (Less F-16 Aircraft)[17]

Item Army	Stored Qty	Stored Value	Funding Source
C-NITE Modification Kits	18	24.1M	FMF
M198 Howitzers	24	18.7M	FMF/Cash
TPQ-36 Radars	4	10.5M	FMF
M-Series Rebuild Parts	N/A	6.8M	FMF
TOW Launchers	135	6.1M	FMF
2.75 inch Rockets	16,720	9.4M	FMF
Miscellaneous Army Items	N/A	1.7M	FMF/Cash
Army Subtotal	**$77.4M**		

Item Navy	Stored Qty	Stored Value	Funding Source
P-3C Aircraft	3	139.1M	FMF
Harpoon Missiles	28	30.8M	FMF/Cash
AIM-9L Missile Components	360	19.7M	FMF/Cash
MK-46/Mod 2 Torpedo Components	N/A	.1M	Cash
Miscellaneous Navy Items	N/A	2.1M	FMF/Cash
Navy Subtotal	**$191.8M**		

Item Air Force	Stored Qty	Stored Value	Funding Source
Peace Gate II Support Equipment 220E Engine Kits	30,968	28.5M	FMF/Cash
Depot Engine Spares Program	4,746	8.0M	FMF
ILC Kits: Spares for ILC, ALQ-131, F-100, ALR-69 support	2,035	7.9M	FMF/Cash
Peace Gate III Support Package			
Peculiar Support Equipment	37	.9M	FMF
Engine Spares	511	9.1M	FMF
Spares	154	1.6M	FMF
Standard Support Equipment	67	.4M	FMF
Peace Gate IV Support Package			
Engine Components	14	.1M	Cash
Developmental Support Equipment	144	8.0M	Cash
Standard Support Equipment	386	1.2M	Cash
Non-Standard Support Equipment	9	.5M	Cash
Standard Spares	204	1.3M	Cash
Test Equipment	N/A	.1M	Cash
ALQ-131 Pods and Spares	20 245,046	21.7M 1.5M	Cash Cash
Class A Explosives	N/A	8.2M	FMF/Cash
Other Air Force Items			
Air Force Subtotal		**$98.8M**	
Grand Total		**$368 M**	

The Brown amendment was proposed to authorize the release of approx. $368 million worth of military equipment purchased by Pakistan but not delivered due to Pressler sanctions including the 28 Pakistani F-16s.[18] The Senate adopted the Brown amendment on September 21, 1995 for one-time release of $368 million worth of defense equipment ordered and paid for by Pakistan prior to the Pressler sanctions on October 1, 1990 by a margin of 55-45 votes. The House also passed the legislation authorizing foreign assistance for FY1996-1997.

A congressional newspaper *Roll Call* on October 16, 1995 reported on the lobbying efforts by Pakistan that ensured the passage of the Brown amendment favorable to Pakistan and Indian lobbying efforts to block its adoption by Congress. According to the report, the Brown amendment had been the "focus of a two-year campaign coordinated by Pakistan's top lobbyist, Mark Siegel, including the PR firm Burson-Marsteller and the lobby-law firm Preston Gates Ellis & Rouvelas Meeds, which collectively cost Pakistan about $540,000 per year." In addition to this, the report stated, Pakistan also retained "the law firm PattonBoggs for a reported $10,000 a month" according to Pakistani sources "for legal work, not lobbying." Along with this, a "Kashmiri-American group hired the lobbying firm Black, Manafort, Stone & Kelly to help Pakistan." However, the report stated that the most "effective single lobbyist in the entire campaign" had been Pakistani Prime Minister Benazir Bhutto, who during her visit to Washington in April "repeatedly sounded the refrain in speeches, TV shows, and visits with Members of Congress: 'Our equipment or our money – it's only right, it's only fair.'" The report ended by stating, "the US is caught in a crossfire between two countries it wants to be friends with… Congress at least should quit unilaterally punishing an old ally and one of the few moderate nations in the Islamic world."[19]

Ambassadors Howard and Teresita Schaffer write in their book *How Pakistan Negotiates with the United States* that the passage of the Brown Amendment was a triumph for Pakistan due to its lobbying efforts in Washington under the leadership of Pakistan's Ambassador, Maleeha Lodhi. According to the authors,

> The [Pakistan] embassy had engaged lobbyists to amplify its congressional outreach, but in this case, Lodhi thought she would be her own best advocate and worked hard to enhance her own direct access to the members of Congress critical to the passage of the legislation… Lodhi's impressive public persona was a tremendous asset… Lodhi also "marketed" Benazir Bhutto… Lodhi believed that India was trying to block the legislation. Also concerned about opposition from pro-Israeli sources, she asked National Security Adviser Sandy Berger to request the American Israeli Public Affairs Committee (AIPAC), the strongest pro-Israel lobbying group, to stay neutral and not urge its congressional supporters to oppose the Brown legislation.[20]

The bill was not passed until January 1996 due to some unrelated issues and finally on February 12, 1996, President Clinton signed into law P.L. 104-107, which was a clean version of the Foreign Operations Appropriations Bill for FY 1996 (H.R. 1868) which unconditionally waived all U.S. economic sanctions on Pakistan and authorized one-time delivery of the embargoed defense equipment without the F-16s.[21]

At the time the administration was fighting to 'right the wrong' for Pakistan with Congress, concerns resurfaced about Pak-China missile and nuclear technology transfers that created problems for the implementation of the Brown amendment. However, the administration decided to ignore the evidence to favor Pakistan and proceeded with the release of the defense equipment for Pakistan in 1996.

Pak-China Missile &Nuclear Technology Transfer and Bhutto's North-Korean Connection

During Clinton's first term, there were concerns about missile proliferation activities between China and Pakistan and Pakistan

and North Korea. Between 1993 and 1995, Pakistan continued to receive missile technology from China and North Korea without any significant penalties by the United States. Although China was briefly sanctioned by the Bush administration in 1991 for providing M-11 short-range ballistic missiles to Pakistan, the sanctions were lifted in 1992 after the Chinese government assured the administration that it would not provide Pakistan any missile technology in the future. The transfer of missile technology resumed between China and Pakistan during the Clinton administration and since China was not a party to the MTCR, it not only provided missile technology to Pakistan but also to Saudi Arabia, Syria and Iran.

Unable to ignore the intelligence reports on the Sino-Pak missile technology transfers, the State Department issued a public notice of MTCR sanctions against 11 Chinese and 1 Pakistani arms exporting entities involved in missile proliferation activities on August 24, 1993. China strongly denounced the U.S. sanctions stating that its sale of M-11 missiles to Pakistan did not violate the MTCR guidelines and that the range of missile did not exceed 300 kilometers – the same position it had adopted with the Bush administration.[22] Even though the M-11 missiles did not fall strictly within the MTCR parameters and reportedly had a range of 290 km capable of carrying a payload of 800 kg, there were concerns that its inherent capability could be enhanced to deliver a payload of 500 kg over a range of 300 km. Once again, the sanctions hardly lasted a year and were lifted in 1994 after China pledged to respect the MTCR guidelines – without becoming a signatory to the MTCR – and not transfer surface-to-surface missile technology exceeding the MTCR parameters to any country. According to a Congressional

Research Service (CRS) report, the sanctions against China were eased off after the U.S. aerospace industry and aerospace company executives strongly lobbied against sanctions on China in their bid to expand satellite exports to China.[23] Another example of how U.S. non-proliferation goalposts were shifted to make exceptions.

At the time Pakistan was benefitting from the Chinese missile cooperation, A.Q. Khan, head of Pakistan's uranium enrichment program at the Kahuta Research Labs (KRL), approached Benazir Bhutto and requested her to visit North Korea to sign a missile deal with the Pyongyang government. Unbeknownst to PM Bhutto, Khan had already made deals for the No-dong ballistic missiles from North Korea in return for 'KRL technology'. North Korea was under the U.S. radar for its non-compliance issues with the IAEA over suspicions about the direction of its nuclear program and even though there was strong intelligence available about Pakistan-North Korea missile cooperation and Khan's illicit nuclear network expanding to provide North Korea with nuclear technology in exchange for the missiles – the White House did not act. Benazir Bhutto visited North Korea on 29 December 1993 and brought back the computer disks carrying the blueprints of the No-dong missiles.[24]

Feroz Hassan Khan in his book *Eating Grass* confirms both accounts of Pakistan's missile cooperation with China and North Korea. According to Khan, "Pakistan's missile program faced two major problems from the outset: a limited indigenous technological base and the constraints posed by the MTCR."[25] In order to meet the technological deficiencies, it was decided that transfer of technology from China should be sought as a

"single off-the-shelf purchase" to meet the "immediate needs" to help develop "infrastructure and equipment to produce missiles indigenously in the future." China had tested the short-range, single-warhead ballistic missiles, M series, specifically M-11 in 1990 and deployed them in 1992. Discovery of transfers between China and Pakistan of approximately thirty M-11 missiles was made in 1992 by U.S. intelligence sources which had led to the brief period of sanctions by the Bush administration. After the U.S. intelligence had discovered these missiles via satellite imagery, "stored in crates at the Pakistan Air Force base in Sargodha," the Chinese "began supplying the M-11s in unassembled form" and since Pakistan did not have a dedicated missile assembly facility, it developed one with Chinese help. Feroz Khan documents that,

> Under direction of Chief of the Army Staff (COAS) General Abdul Waheed, the Project Management Organization (PMO) was created in 1994… the principal task of the PMO was to create the foundations for a solid fuel missile, absorb the transfer of technology, and learn the art of reverse engineering and assembly techniques for the unassembled M-11 (DF-11) and M-9 (DF-15) ballistic missiles. In 1995, when the NDC [National Defense Complex] and AWC [Air Weapons Complex] successfully completed the cold tests for aircraft delivery, General Abdul Waheed [COAS] directed Dr. Samar Mubarakmand [Chairman PAEC] to lead the Pakistani missile program.[26]

Khan maintains that the Chinese missile M-11 technology was only for high-explosive warheads and after years of hard work, the missiles were made nuclear capable. While the Clinton administration lifted sanctions from China to appease the industry lobbyists – for example, Boeing was in negotiations with Chinese

aviation industry and the Westinghouse Electric Corporation had dealings with China National Nuclear Cooperation[27] – Chinese nuclear technology transfer to Pakistan continued and created serious non-proliferation challenges for the administration.

With Pyongyang, the deal Benazir Bhutto made in 1993, "cemented in late 1995, with North Korea…providing twelve and twenty-four unassembled missiles and their transporter erector launcher (LET) vehicles." Khan writes that, "the missiles were delivered in the fall of 1997 in several cargo flights from Pyongyang that also included telemetry crews. These flights were predictably under the watch of the Western intelligence agencies that were monitoring the traffic and increased frequency of visitors from KRL and Pakistan. Having received the shipments, A.Q. Khan chose the name *Ghauri* for the liquid missile derivate of the *Nodong*."[28]

The Clinton administration ignored the Chinese and North Korean missile cooperation with Pakistan despite considerable intelligence due to reasons other than for the love of Pakistan. But at the time Pak-China missile cooperation was taking place, China was also supplying Pakistan with critical components for its uranium enrichment program.

In 1995, there were reports about Chinese defense industrial companies exporting 5000 ring magnets to Pakistan which was a strictly controlled item on the export control list since their use in gas centrifuges allowed for extraction of enriched weapons grade uranium from uranium gas. The administration was caught in a bind given the evidence of the sale of ring magnets from China to Pakistan with respect to its timings which coincided with the

enactment of the Brown amendment adopted by the Congress in September 1995 according to which $368 million worth of arms equipment Pakistan paid for was envisaged to be released. If the administration publically determined that the sale of ring magnets had indeed been made by China to Pakistan, it would automatically have triggered sanctions under the Symington amendment which provided for the suspension of U.S. economic and military assistance to countries engaged in the transfer of nuclear enrichment equipment. And triggering of the Symington sanctions would have interfered with the implementation of the Brown amendment, which would have been detrimental to the U.S.-Pak bilateral relations.[29]

There were strong congressional concerns about the administration's non-proliferation policy towards Pakistan and its leniency towards Chinese entities involved in export of nuclear and missile technology components to Pakistan. Senator Pressler who had opposed the Brown amendment and was against the release of defense equipment to Pakistan, in his February 7, 1996 letter to Clinton strongly urged the President to determine that China and Pakistan engaged in illicit sale of nuclear technology and take "immediate action to enforce the law… and freeze all assistance, civilian or military, to Pakistan" and sanction Chinese exporting companies involved in the sale.[30] Senator John Glenn also wrote to President Clinton on February 12, 1996 (the same day that Clinton signed the Brown amendment into law) registering his disappointment with the administration and its knowledge of the Chinese sale of ring magnets to Pakistan at the time of the amendment. Glenn wrote,

> Pakistan is not eligible to receive the military equipment authorized last year by the so-called Brown Amendment to the Foreign Assistance Act that was supported by the Administration. It was a particular disappointment for me to recently learn that the Administration was aware of the sale of the magnets at the very time the Brown Amendment was being debated on the Senate floor, but did not provide this information at the time. Nor does there appear to be any evidence that the promised transfer of our military equipment following the passage of the Brown Amendment has had any effect whatsoever on the Pakistani nuclear program... What will it gain us, Mr. President, if we win all those sales and joint ventures for U.S. business at the expense of our world leadership on one of the greatest moral as well as international security issues of our time, the spread of nuclear weapons? Will the economic activity with China stop the South Asia nuclear arms race from spreading to Iran and to terrorists? Will such economic activity engender more respect for U.S. views on nonproliferation when we attempt to dissuade other countries from transferring dangerous nuclear technologies? Who will speak up for restraint in nuclear trade if the United States shows it cares more about bucks than bombs?[31]

All the questions posed so passionately by Glenn to the President were not the questions the administration was willing to answer just yet. President Clinton replied to Glenn two months later and in his letter he did not address a single one of the questions posed by Glenn. Clinton thanked Glenn for his leadership on non-proliferation issues and stated,

> I share your concern over the great danger faced by the countries in the region, and I am committed to curb the potential nuclear and missiles arms race there. It is precisely because of these concerns that I supported the Brown Amendment, which seeks to put our

> relationship with Pakistan on a stronger footing and thereby increase our ability to deal with the proliferation threat in South Asia. With this objective in mind, I have decided to implement a portion of the Brown Amendment, including the release of $368 million of previously embargoed military equipment to Pakistan. Independently of the Brown Amendment, we will also refund approximately $120 million of Pakistani national funds that have accumulated in Pakistan's FMS Trust account. As I have made clear to Prime Minister Bhutto, our ability to move ahead with partial implementation of the Brown Amendment is based on a continuation of Pakistan's current restraint in its nuclear and missile activities. I am convinced that this course of action provides the best opportunity to engage Islamabad in our nonproliferation strategy and to reinforce restraint in Pakistan's behavior, as well as improve cooperation with Pakistan on such vital issues as counterterrorism and counternarcotics. At the same time, I agree that the reported transfer of nuclear-related equipment from China to Pakistan, such as ring magnets, raises serious concerns. Therefore, I have decided to restrain from implementing those portions of the Brown Amendment that are subject to restrictions under the Symington Amendment, which prohibits assistance under the Foreign Assistance Act and the Arms Export Control Act to countries that export or receive unsafeguarded uranium enrichment equipment.[32]

Clinton's assurance to Glenn sufficed for the time being. A month later on May 10, 1996 the State Department issued a public announcement stating that the Secretary of State concluded that "there was not sufficient basis to warrant a determination that sanctionable activity occurred under section 2(b)(4) of the Eximbank Act…that sanctions would not be imposed at that time and that Export-Import Bank operations in support of U.S. exports to China would return to normal."[33] Before making this

public determination, the Secretary of State, Warren Christopher had met Chinese Vice Premier, Qian Qichen in The Hague in April 1996, to discuss Chinese nuclear technology transfer to Pakistan and other countries and Chinese obligations under the NPT to which it acceded to in 1992. During their discussions, the Chinese side had assured the United States that there would not be any future transfer of nuclear weapons technology from China to any other country, that China will strengthen its nuclear export controls measures and that China will not provide assistance to unsafeguarded nuclear facilities. It was based on this assurance by senior Chinese leadership that the Secretary of State determined against the imposition of sanctions on China in 1996.[34] This determination worked in two ways for the administration: first, U.S.-China economic cooperation remained unaffected, second, it relieved the administration from the burden of invoking the Symington amendment and restraining the transfer of embargoed equipment to Pakistan. Ignoring Chinese missile and nuclear technology transfer to Pakistan also meant ignoring Pakistan's nuclear weapons development. Despite the release of embargoed military equipment to Pakistan, the Clinton administration had limited leverage to engage Pakistan to stop its progress towards nuclear weapons or missile development.

While Pakistan's march towards the bomb was difficult to be curtailed, the Clinton administration tried to pressure Pakistan into signing the Comprehensive Test Ban Treaty (CTBT) in 1996, however, the efforts were unsuccessful. Pakistan's civilian and military leadership had decided against unilateral signing of the CTBT due to an abortive attempt to conduct nuclear tests by India in 1995. Feroz Khan in *Eating Grass* writes that in August 1995,

Pakistan's ISI reported unusual activities in Pokhran' the 1974 Indian nuclear test site, and concluded that India was preparing for a nuclear test. Along with its preparations for the nuclear test, Indian position on the CTBT also 'hardened'. In January 1996, General Jehangir Karamat, the new COAS, held a meeting with scientists and diplomats to assess the 'potential of an Indian nuclear test and the larger CTBT negotiations'. Khan documents that meeting which "concluded that India was miffed at the passage of the Brown Amendment, which marginally mitigated nuclear sanctions, but was taking advantage of the KRL [Kahuta Research Labs] ring-magnet scandal to divert international focus to Pakistan so that it could conduct a test. If such an Indian test were to reoccur, attendees predicted that U.S. reactions would be similar to those during the 1974 nuclear test. As in the past, there would be an initial uproar, a mild rap on the knuckles, and possible sanctions under the Glenn Amendment that would be quickly lifted. Ultimately, America's efforts would be directed to prevent Pakistan from following suit."[35]

Based on these findings, Khan writes, General Karamat "ordered the immediate preparation of a test site… and by June 1996 the tunnel was ready and Pakistani intelligence was working round the clock to monitor activities at the Pokhran site."[36] Bruce Riedel in his book *Avoiding Armageddon* also provides an account of the Indian nuclear test preparations in 1995. Riedel writes of Secretary William Perry's eagerness to "change American policy and undo the Pressler amendment after the CIA detected preparations for a nuclear test in India in December 1995." According to Riedel, "the CIA's warning was leaked to the *New York Times*, and Clinton's ambassador in New Delhi, Frank Wisner, used the leak to persuade India not to test."[37]

When the General Assembly voted on the CTBT on 10 September 1996, India was against it and given that Pakistan did not block CTBT's passage, the Clinton administration pressured Pakistan into signing the treaty when it opened for signature on 24 September 1996. Pakistan's military, scientific and diplomatic community deliberated on the CTBT's pros and cons and sent their recommendations to PM Benazir Bhutto for the 'final decision' on Pakistan's position on CTBT. Feroz Khan writes that Bhutto announced Pakistan's position as follows,

> (1) Pakistan would not sign the CTBT unless India signed it first, (2) Pakistan reserved the right to conduct nuclear tests should its national security demand it, (3) Pakistan would vote in favor of CTBT's passage to the United Nations, (4) despite not signing the treaty, Pakistan would adhere to the letter and spirit of the treaty, and (5) Pakistan would willingly participate in the CTBT monitoring system and allow its seismic station to be part of the CTBT verification network.

Khan rightly argues that "Benazir Bhutto's decision reflected a rare institutional consensus within Pakistan. Aware that India could test and then sign the CTBT, Islamabad's new policy would allow it to react in turn."[38]

Towards the end of 1996, Pakistan was preparing for another political transition. Benazir was ousted from office on the charges of corruption and domestic instability along with her failure to protect her own brother who lost his life in a police encounter when she was the sitting prime minister. The blame game that ensued thereafter led to finger-pointing both at the President and the top army leadership resulting in an all too familiar and

convenient exercise, undertaken this time by President Farooq Leghari who used the eighth amendment to dismiss Benazir's government.

The Sharif Government and the Harkin-Warner Amendment in 1997

New elections in Pakistan were held in February 1997 bringing Nawaz Sharif back in office for his second term. This time, Sharif was successful in repealing the eighth amendment, making the office of the Prime Minister the most powerful in the country after a period of twenty years. President Bill Clinton had also been elected for his second term in office in January 1997. Although the embargoed defense equipment was released in 1996, 28 stored and unreleased F-16s were still a sore point in the bilateral U.S.-Pak relationship.

According to Dennis Kux, Clinton's new foreign policy team (Madeline Albright who replaced Warren Christopher as the Secretary of State, Thomas Pickering as Undersecretary of State for Political Affairs and Karl Inderfurth who replaced Robin Raphel as Assistant Secretary of State for South Asia) "made an early decision to try to broaden relations with India and Pakistan and to place less emphasis on nonproliferation matters."[39]

In addition to non-proliferation issues, U.S.-Pak bilateral relations were dominated by U.S. concerns about South Asian regional stability in particular Pakistan's relations with its eastern and western neighbors, India and Afghanistan. In Afghanistan, after eighteen years of infighting amongst various tribal factions, the extremist Taliban movement had taken hold in majority of

provinces and the opium production had increased by 25 percent, which was also the main funding source of the Taliban regime.[40] The Taliban wanted to impose strict Shariah law in the country and the international community was not happy about their human rights record especially their treatment and subjugation of women in Afghanistan.[41] With respect to India, there were considerably lesser concerns in 1997 despite the still outstanding issue of Kashmir. That was so because in his second term, Nawaz Sharif did not make Kashmir the sole focus of his India policy despite opposition from the Foreign Office and the army for taking spotlight off Kashmir as the core issue. Both Nawaz Sharif and the Indian Prime Minister, Inder Kumar Gujral had developed a personal rapport and at the Ninth South Asian Association for Regional Cooperation (SAARC) Conference in May 1997, both leaders agreed to establish the following: 'joint working groups' to resolve all outstanding issues including Kashmir, 'hot line' between the two leaders, 'reciprocal release of civilian prisoners', work towards easing the visa regime, and hold foreign secretary talks.[42] The foreign secretaries of the two countries met in June 1997 to set up working groups on bilateral issues. But before substantive talks could progress between the two countries, Indian Prime Minister Gujral's government was forced to resign in November 1997 as a result of a political crisis. The new Indian elections brought the Hindu nationalist party, Bharatiya Janata Party (BJP) to power in March 1998. A constitutional political crisis also emerged in Pakistan late November 1997, which resulted in President Farooq Leghari's resignation and appointment of a new President in Pakistan, Mohammad Rafiq Tarar in January 1998. But since the President no longer had political authority after the Eighth Amendment, he was merely a figurehead and Nawaz Sharif, after

having survived the latest political crisis, remained the most powerful leader in Pakistan.

Secretary of State Albright visited Pakistan in November 1997. It marked the first high-level visit since Secretary Shultz's visit to Pakistan in 1982. During her visit, "nuclear weapons, Afghanistan, Kashmir, and drugs provided a full substantive agenda."[43] Pakistan-U.S. bilateral relations were stable throughout 1997. For FY 1998, Congress had approved a sponsored amendment by Senators Tom Harkin (D-IA), John Warner (R-VA), Robert Torricelli (D-NJ), Rick Santorum (R-PA) and Tim Johnson (D-IA) to resume the Overseas Private Investment Corporation (OPIC), International Military and Education Training (IMET), Trade and Development Assistance (TDA) and democracy-building programs in Pakistan, such as the National Endowment for Democracy. The sponsoring senators of this amendment to the Foreign Assistance Act of 1961, OPIC-Section 239 (f) and IMET-Section-638 (b) believed that the administration's South Asia policy was hijacked by the shortsightedness of the non-proliferation focus and with the expanding developmental and economic opportunities in the region, the U.S. was at a disadvantage given its sanctions policy. The Clinton administration backed this bi-partisan effort to resume developmental aid and military training programs with Pakistan. The Department of Defense was particularly interested in pursuing the IMET program with Pakistan. Secretary of Defense, William Cohen who had replaced William Perry, wrote to Senator Harkin in support of his amendment and stated, "We believe that the positive impact of IMET on the Pakistani military will serve to enhance our overall relationship with Pakistan and, by extension, will facilitate our engagement with Pakistan in a

number of important areas including proliferation."[44] Secretary Cohen further argued on the importance of engaging Pakistan at a critical time and wrote,

> Opponents of your legislation will claim that Pakistan's performance with regard to proliferation should not be "rewarded" by making it eligible for these assistance programs. We would respond that our denying any of these programs will not cause the Pakistanis to forgo strategic programs which they believe are essential for their national security. However, by making these assistance programs available, we will not only serve U.S. interests directly but will improve the climate of our overall relationship thus encouraging Pakistan to be more receptive to our point of view in other areas.

Under Secretary of State, Thomas Pickering also wrote in support of the Harkin-Warner amendment and stated,

> We believe that restoring IMET programs will have an appreciable impact on our relationship with Pakistani military. For seven years, the United States has lacked contact with junior and mid-level Pakistani officers, from whose ranks will emerge the next generation of Pakistani military leaders. We would serve our interests well by giving them exposure to U.S. practices, institutions and values…We need to consider carefully how to pursue our non-proliferation objectives in conformity with the entire range of U.S. interests in Pakistan. We believe that an initiative such as yours…will advance our interests without undermining our non-proliferation agenda.[45]

Nawaz Sharif had definitely made an impact with his policies of economic reform, trade liberalization, deregulation and privatization, in his efforts to transform Pakistan's economy

into a market-oriented economy. And in due course, his efforts would have been supplemented by the resumption of trade and development assistance programs with the United States, which the Congress approved through the adoption of the Harkin-Warner amendment for FY 1998. But unfortunately, given the turn of events in the first half of 1998 another amendment was in store for Pakistan – the Glenn amendment – that was bad news for the future of Pakistan's economic development.

Pakistan's Nuclear Tests in 1998 and the Glenn-Symington Sanctions

On May 11, 1998 India conducted three underground nuclear tests at the Pokhran testing site, 70 miles from the Pakistani border – the same location where the first Indian nuclear test was conducted in 1974. On May 13, 1998 two more nuclear tests were conducted at Pokhran. In their discussions with U.S. officials after the first series of tests, some Indian officials cited reasons for the rationale of nuclear testing including their border disputes with China, concern over Pakistan-China ties, Pakistan's support for terrorism in the disputed territory of Kashmir and the loss of respect for Indian military capabilities in the region – all of which were rejected as an unpersuasive rationale for conducting nuclear tests by the U.S. officials.[46] Strobe Talbot, Under Secretary of State at the time, writes in his book *Engaging India* that the Indian Prime Minister, Atul Bihari Vajpayee wrote a letter to President Clinton after the tests and pointed to "China, an overt nuclear weapons state on our [Indian] borders, a state which committed armed aggression against India in 1962" and "Pakistan, a 'covert nuclear weapons state' that had committed aggression against India three times and that continued to sponsor terrorism in Kashmir" as added rationale for India conducting nuclear tests.[47]

Indian nuclear tests had automatically triggered U.S. sanctions against India pursuant to Section 102 of the Arms Export Control Act, the Glenn amendment, in addition to extensive economic sanctions as per the U.S. Nuclear Proliferation Prevention Act of 1994. Pakistan, however, was not surprised by the Indian tests. It had feared an aggressive nuclear policy by the new BJP government when it came to power given that it had publicly advocated for the development of nuclear weapons during its election campaign. Nawaz Sharif had warned President Clinton about BJP's nuclear intentions in his 3 March 1998 letter but his warnings were relegated to Pakistan 'crying wolf regarding India' and dismissed by the administration, which was confident that 'BJP would not act precipitously.'[48] But when India caught the administration and the U.S. intelligence agencies off guard, all attention turned towards stopping Pakistan from responding to the Indian nuclear tests by tests of its own. Strobe Talbot writes that Pakistan had the opportunity to 'cash in virtually every dollar of aid that donor countries like the United States and Japan' would have withheld from India pursuant to the sanctions if it decided to show restraint. Many in the administration believed that Pakistan had a golden opportunity since the 'mood on the Capitol Hill had shifted after the Indian test' and to take advantage of that shift, Secretary of State Albright "went to work enlisting support from key members of Congress for the release of the sanctioned F-16s" if the administration was able to "get the Pakistanis not to conduct a nuclear test."[49] In order to bring him onboard, Clinton phoned Nawaz Sharif "to whet his appetite for the planes, huge amounts of financial aid, and a prize certain to appeal to Sharif – an invitation to make an official visit to Washington" but "Sharif was not swayed." Talbot writes that after hanging up the phone,

Clinton said, "You can almost hear the guy wringing his hands and sweating."[50]

A day after the Indian nuclear tests, Pakistan's Ambassador to the U.S., Riaz H. Khokar told Senator John Glenn in a letter that the Indian tests did not come as a surprise to Pakistan and informed him that Pakistan was going to closely monitor the U.S. reaction to the Indian tests. Khokar wrote,

> For more than two decades we have tried to draw American attention towards the Indian development of nuclear weapons and missile capability in their quest for regional hegemony. When the Hindu fundamentalist BJP led government came to power in India earlier this year, Pakistan alerted the U.S. to publicly stated Indian intentions to "exercise the option of inducting nuclear weapons." This was conveyed in a letter from the Prime Minister to the Secretary of State, both dated April 3, 1998. Unfortunately, however, our warnings went unheeded and a certificate of "restraint" was issued by the U.S. to the Indian government. Recent developments have only served to underscore the fallacy of such an approach. Despite facing the grave danger posted to its security over the past twenty years by Indian conventional weapon superiority and nuclear weapons capability, Pakistan has demonstrated voluntary restraint by not conducting a nuclear test, developing nuclear weapons or transferring nuclear technology. But Pakistan has still been subjected to discriminatory sanctions by the U.S.- a policy that has once again proven to be counter-productive. The time has come for the U.S. to pursue a realistic, non-discriminatory and equitable non-proliferation policy in South Asia. My country will, therefore, closely watch American reaction to the latest provocation by India. Pakistan reserves the right to take all appropriate measures for its security.[51]

Feroz Khan writes that Pakistan military's first reaction was to assess the situation, alert the air defense regiments of the army to monitor the air space and "based on their long-held threat perceptions, they were bracing for the possibility of preventive strike."[52] When Nawaz Sharif, who was in Uzbekistan at the time of the Indian tests, returned to Pakistan on May 12, COAS advised him to call an emergency meeting of the Defense Committee of the Cabinet (DCC) "to examine the full spectrum of implications and bring in all stakeholders for a comprehensive discussion." The DCC met on May 13, 1998 – the day India conducted two more tests – and deliberated on the pros and cons of Pakistan conducting test in a matching response to the Indian nuclear tests. The next day, on May 14, a full cabinet meeting was held at PM Sharif's residence and according to Khan, 'three perspectives' were presented

> The hawks (three members) insisted on conducting the test immediately to resume parity and restore the strategic balance, convinced that no other opportunity would arise. The doves (six members) suggested that Pakistan set its own time to test rather than jump into a trap laid by India. Pakistan had a rare opportunity to isolate India, bolster conventional defense, and reap economic benefits. The third group (six members) advocated a middle position of simply waiting to make a more informed decision.[53]

Meanwhile, the U.S. had not given up trying to convince Pakistan against nuclear testing. Undersecretary, Strobe Talbot along with Commander in Chief U.S. Central Command, General Anthony Zinni and some other State Department officials traveled to Pakistan on May 13, 1998. The mission was sent to tell Pakistan

that it had a choice: "it could join the rest of the world in isolating India, or it could follow India down a foolish, backward-leading, and dangerous path" – the catch phrase to be used was "restraint and maturity." Talbot tried to convince the Pakistanis that "restraint would allow us [U.S.] to put the Pressler amendment forever behind us and solidify a post-cold-war relationship with Pakistan as a moderate, democratic, and above all *responsible* Islamic state."[54] Upon meeting Pakistan's Foreign Minister, Gohar Ayub Khan, Talbot recalls that he received a 'history lesson' which began with "the perfidy of India going back to 1947 (a "habitual aggressor and hegemon") and the inconstancy of the United States ("a fair-weather friend"), whose cutoffs of military aid had deprived Pakistan of its "qualitative military edge.'"[55] When Talbot presented 'the carrots' he had brought, Gohar Ayub said, "offers of Pressler relief and delivery of "those rotting and virtually obsolete air-planes" were "shoddy rugs you've tried to sell us before" [the Pakistani people] would mock us if we accepted your offer. They will take to the streets in protest."[56] Talbot and General Zinni's meeting with the COAS, General Jehangir Karamat was more cordial where they were told that Pakistan would be 'looking out for its own defense', however, suggesting that what Pakistan "needed from the United States was a new, more solid relationship in which there was no "arm twisting" or "forcing us into corners.'"[57] In their meeting with Nawaz Sharif, the Talbot Mission was not told anything new or different. Sharif was facing intense domestic pressure and he said, "I am an elected official, and I cannot ignore popular sentiment." Talbot informed Sharif that the United States was doing everything in its power to condemn the Indian nuclear tests with toughest possible sanctions and that President Clinton had told him that "he would use Sharif's visit to Washington

and Clinton's own to Pakistan in the fall to "dramatize" the world's gratitude if Sharif would just refrain from testing."[58] After the meeting ended, Sharif told Talbot in private that, "if a final decision had been reached, I would be in a much calmer state of mind…Please believe me when I tell you that my heart is with you. I appreciate – and would even privately agree with – what you are advising us to do."[59]

Feroz Khan writes that after the Talbot mission left Pakistan, Nawaz Sharif called another meeting of the DCC on May 16, 1998 and "gave the green light to proceed with the nuclear test." On May 18, Nawaz Sharif personally summoned PAEC Chairman Dr. Ishfaq Ahmed and said in Urdu, "*Dhamaka kar dein*" ("Carry out the explosion")."[60] On May 28, 1998 Pakistan conducted five nuclear tests in five horizontal shaft tunnels at the Ras Koh Hills, Chagai, Balochistan. Two days later on May 30, 1998 Pakistan conducted one more test to a total of six.

Pakistan's Senator Akram Zaki, Chairman Pakistan Senate Foreign Relations Committee defended Pakistan's nuclear weapons tests during his visit to the U.S. immediately after the nuclear tests. In addressing the international media at a meeting at the National Press Club in Washington DC on June 1, 1998 Zaki told the audience that Pakistan had no choice and stated, "what we have done was under compulsion. We had no option. The NPT provided for only five nuclear powers. If NPT, which had been indefinitely extended, is sacred, then in the 17 days that we waited, we had hoped that the five nuclear powers would persuade India to reverse their action. And now if NPT has no meaning and if the number has to increase from five, then it cannot stop at six."[61]

Pakistan met the same fate as the Indians and was sanctioned under the Glenn amendment but the government and the nation was prepared for it. President Clinton called the tests "self-defeating, wasteful and dangerous" but Talbot recalls that "he bore down harder on India than Pakistan, accusing the BJP government of betraying 'the ideals of nonviolent democratic freedom and independence at the heart of Gandhi's struggle to end colonialism on the Indian subcontinent.'"[62] Pakistan was satisfied with the American performance since it was in the same boat as India with respect to condemnation from the international community and evenhanded sanctions from the United States perhaps for the long-awaited first time.

Clinton's non-proliferation policy came under criticism in the United States after the Indian and Pakistani nuclear tests. A *New York Times* article by Tim Weiner indignantly blamed China and the United States for helping Pakistan build its nuclear weapons. Sympathetically making the case for Pakistan, Weiner wrote,

> The United States provided Pakistani nuclear scientists with technical training from the 1950's into the 1970's. And it turned a blind eye to the nuclear weapons program in the 1980's, because Pakistan was providing the crucial link in the Central Intelligence Agency's effort to smuggle billions of dollars of weapons to Afghan guerrillas attempting to drive out Soviet invaders. But when that covert operation ended, the United States cut off a multi-billion military aid program by imposing sanctions in the 1990's – leaving Pakistan feeling defenseless. Everything changed after the Soviet withdrawal from Afghanistan, when Pakistan was no longer needed as the key link in the C.I.A's arms pipeline to Afghan rebels. In 1990, the United States finally acknowledged that the Pakistani nuclear weapons program existed – and under the law, cut off military aid. This left Pakistan's armed forces, facing an Indian Army twice their size, without a reliable source of conventional weapons, like tanks and jet. It is still waiting for 28 F-16s, for which it paid the United States $650 million. Now, with last week's weapons tests, Pakistan faces fresh sanctions from the United States.[63]

The sanctions indeed were tough and given Pakistan's economic condition at the time that Pakistan tested, there were concerns that the financial collapse of the state was imminent. According to Kux, "at the time Islamabad tested, the country had a foreign debt of over $30 billion and foreign exchange reserves of only $600 million" and without financial help from the International Monetary Fund (IMF), Pakistan would not have been able to "meet upcoming debt service payments." In addition to this, the government of Pakistan "froze foreign-currency bank accounts immediately after the tests" which created "havoc for foreign companies working in Pakistan" damaging Pakistan's credit rating. The United States, however, decided to "give Pakistan some breathing room" and after negotiations with Pakistani and IMF officials "agreed on an economic program – more of a bandage to prevent Pakistan from going under than a comprehensive attack on the country's fiscal ills."[64] This was made possible through two expedited legislations. First was the Agriculture Export Relief Act of 1998 (P.L. 105-194) to waive sanctions on agricultural export credits signed into law by President Clinton on July 14, 1998. This Act amended the Arms Export Control Act by "exempting for one year, food and other agricultural commodity purchases from nuclear nonproliferation sanctions under Section 102 (b) of that law." The amendment was proposed by Senator Mitch McConnell (R-) on July 9, 1998 to permit "U.S. wheat growers to take part

in a July 15 Pakistan wheat auction."[65] The Act also provided the waiver authority to the president to exempt food related items from sanctions whenever appropriate.

The second legislation was Senate's adoption of the India-Pakistan Relief Act of 1998, proposed as an amendment to the 1999 Agricultural Appropriations Bill (H.R. 4101) by Senator Sam Brownback (R-KS), chairman of the Senate Subcommittee on Near Eastern and South Asian Affairs.[66] The Relief Act of 1998 provided the President "the authority to waive for one year some economic sanctions" imposed on India and Pakistan. The India-Pakistan Relief Act became part of the 'Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (H.R. 4328), and enacted into law on October 21, 1998, as Public Law 105-277 (112 Stat. 2681).[67]

Prime Minister Nawaz Sharif visited Washington on 2 December 1998. The highlight of his trip was the final resolution of the F-16s issue that had been pending due to the Pressler sanctions for the past eight years. Pakistani officials had never stopped working with the policymakers in Washington to settle the F-16s issue. The GOP officials used the logic of 'fairness' and 'law' to make their case that it was unfair for the U.S. to not release the aircraft that Pakistan paid for and if the issue was not settled, the U.S. law would settle it for Pakistan. While the logic of fairness did not prove to be a persuasive enough argument, Pakistan resorted to the idea of taking the administration to the court to get what it deserved. In their account of *How Pakistan Negotiates with the United States* Ambassadors Howard and Teresita Schaffer write of the successful resolution of the F-16s account as follows:

> Recognizing that persuasion was not producing results, Ambassador Riaz Khokhar looked for a more compelling approach. He engaged a lawyer, Lanny Davis, who had earlier served in the Clinton White House. At Davis's suggestion, Khokhar floated to the administration the idea of taking the U.S. government to court. He made clear that he much preferred to work things out diplomatically, but argued that he "trusted the fairness of the U.S. courts." The U.S. side pushed back. However, once the administration became convinced that Pakistan might win in court – and might even win a judgment awarding them principal and interest on their payments – the search for a mechanism for reimbursement began in earnest… The Pakistanis used a U.S. lawyer, gained leverage from the U.S. legal process, and negotiated a pragmatic solution to the problem.[68]

The Clinton administration tapped a special fund used to pay judgments against the U.S. government to settle with Pakistan. According to Kux, "since the Justice Department had assessed the chances of losing at 70 percent, the administration could tap the special fund for this percentage of the $470 million that was owed to Pakistan for the F-16s." To cover the remainder (of the total $658 m), Clinton accepted "a Pakistani suggestion that the U.S. government make a "best effort" to provide $140 million of wheat and other commodities on a grant basis over the coming two years."[69] While Sharif's visit resulted in an unexpected deal, he did not stay in the government long enough to enjoy the fruits of his triumph. Moreover, this was not the end of the F-16s episode.

Kargil 1999 and the Military Coup

After the South Asian nuclear tests, both India and Pakistan had realized the power of the weapon that they now possessed.

This sobering realization brought the two governments together to initiate a series of Confidence Building Measures (CBMs) to develop trust in the post-nuclearized environment. Indian Prime Minister Vajpayee traveled to Lahore, Pakistan, in February 1999 via bus marking the resumption of once-functional bus service between India and Pakistan. The peace process between India and Pakistan resulted in the signing of the Lahore Declaration where the two countries pledged to work towards achieving peace as two responsible nuclear states. This atmosphere of peace and trust lasted but briefly and was disrupted by a crisis in the Kargil region in the Indian-held Kashmir. There is consensus in the literature on the origins of the Kargil crisis by American, Indian and Pakistani scholars that,

> The Kargil operation was planned by the Pakistan Army using troops of the Northern Light Infantry (NLI) under the Force Commander Northern Area (FCNA). The objective was to infiltrate the Line of Control and occupy forward posts in the Kargil region, which was vacated by the Indian Army during wintertime due to extreme weather conditions when patrolling becomes impossible.[70]

General Musharraf who was the COAS at that time, published his memoir in 2006 and denied that Pakistan Army initiated the crisis and maintained that the infiltration was purely an attempt by the Kashmiri mujahedeen.[71] Bruce Riedel documents it differently and expands on his take on Musharraf's strategy in Kargil as follows:

> Musharraf's plan was to exploit a traditional stand-down in operations along the northern front line of divided Kashmir province to create a fait accompli that would force India to the bargaining table on Pakistani terms…The problem was that Musharraf did not have a plan B or a fallback option if India refused to give in. If the Indians decided not to talk and fight instead, they could try to storm the occupied heights or open a new front somewhere else to take pressure off their Kargil positions. In short, India could widen the war. If it did, then Pakistan would find itself facing a broader military campaign and blamed for starting a dangerous new conflict. And that is what happened.[72]

At the initial stages of the Kargil crisis when the Indian intelligence agencies were trying to understand the situation, their belief was that the usual suspects – Kashmiri militants or freedom fighters – had infiltrated Kargil. Until late May 1999, Pakistan Army and its chief, General Musharraf, managed to deceive the Indians into believing that the infiltrators were the Kashmiri mujahedeen. It was only after the Indian intelligence was able to intercept a call between General Musharraf and his Chief of General Staff Mohammad Aziz Khan on 26 May 1999 that they realized "the whole operation in Kargil was no jihadi operation but a military aggression, planned and executed by the Pakistan Army."[73]

After intense U.S. diplomacy with both Pakistan and India and Sharif's visit to Washington at the height of the crisis, tensions dissipated when Pakistani forces were ordered to pull back from the LOC following a cease-fire in the Kargil sector. Bruce Riedel who was Clinton's senior advisor on South Asian affairs at the time provides a detailed account of the Clinton-Sharif meeting at the height of the crisis.[74] Riedel was the only person attending Sharif's meeting with Clinton at the Blair House on 4 July, 1999. He writes that the only solution acceptable to Washington was

Pakistan's complete and unconditional withdrawal to the LOC as was communicated to Sharif by Clinton. U.S. had intelligence about Pakistan preparing its nuclear forces for deployment and Clinton confronted Sharif with this information. According to Riedel, Clinton told Sharif that "he was worried that India and Pakistan were taking a horrible risk: getting into an escalation of the conflict similar to the one that the Soviet Union and the United States stumbled into during the Cuban missile crisis in 1962" and asked Sharif "whether he knew how far along his military was in preparing for nuclear conflict" but Sharif was "evasive" even though he knew that a nuclear war between the two countries would be "a catastrophe."[75] Riedel writes that Clinton gave Sharif a choice: "if he would announce the immediate withdrawal of all Pakistani forces to a position behind the LOC, the United States would support the resumption of the Lahore process between India and Pakistan and urge India to allow the withdrawal to proceed. If not, America would blame Pakistan for starting a war that could end in nuclear disaster. On top of that, Clinton would blame Pakistan for assisting Osama bin Laden and other terrorists." Riedel further writes that "Sharif very reluctantly agreed to withdraw, knowing that he would be castigated at home for giving up Pakistan's territorial gains with nothing to show for it." [76]

After the U.S. brokered peace[77] in Kargil, Nawaz Sharif's position in the country became difficult and public opinion soured whereby the accord and ceasefire was viewed as a 'sell out to the Americans.' A rift between the government and the army was all too visible in Pakistan where both parties tried to blame each other for an 'ill-fated Kargil plan.'[78] Rumors of a military coup in Pakistan came true when in a dramatic manner on October 12,

1999, Nawaz Sharif ordered the diversion of the airplane carrying General Pervez Musharraf, the COAS, and the Chairman Joint Chiefs, whilst returning after a visit to Sri Lanka and dismissed him from service in absentia. The military takeover was smooth and coordinated by Musharraf from his airplane which landed in Karachi to end the sordid episode making him the fourth military ruler of Pakistan. Like all previous military leaders, Musharraf also pledged reform and reelection as soon as his 'interim' rule had stabilized the political situation in the country.

As a result of the military coup, the United States imposed sanctions on Pakistan under Section 508 of the FAA of 1961 that prohibited U.S. economic and military assistance to any country whose elected head of the government was deposed by a military coup, but according to Kux, there was little to no immediate impact, since Pakistan was already under the Pressler sanctions post 1998 nuclear tests.[79]

Additional Relief from Sanctions: The Brownback II Amendment

Interestingly, the same month Musharraf became the Chief Executive of Pakistan (and self-assumed this title) after the coup in October 1999, the U.S. Congress passed Defense Appropriations Act FY 2000 (P.L 106-79) also known as Brownback II, which gave the President the authority under Title IX to waive the Glenn-Symington sanctions on India and Pakistan that had been imposed after the nuclear tests. Title IX also gave the President the authority to waive the Pressler sanctions on Pakistan in addition to Glenn-Symington if necessitated by the U.S. national security interests. Since the President previously did not enjoy any waiver authority

under the Glenn sanctions therefore the rationale of the Brownback II amendment was to provide the President enough flexibility to engage and influence the behavior of India and Pakistan to make them cooperate with each other to avoid an arms race in the sub-continent post-nuclearization. On the targeted sanctions, the sense of the Congress was that, a) the broad application of export controls to nearly 300 Indian and Pakistani entities was "inconsistent with the specific national security interests of the United States" and b) export controls were only to be applied to those India and Pakistani entities "that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute to such programs."[80] President Clinton exercised his authority under Title IX to remove the economic sanctions on India and Pakistan in 2000.

Five months into office, Musharraf welcomed President Clinton to Pakistan who was on a short trip to South Asia on 25 March 2000. As if the Pressler narrative and the stifling sanctions were not damaging enough, Clinton's five-hour trip to Pakistan as opposed to five days in India, added more negativity to the Pakistani public opinion about the United States. With nine months left in the White House for Clinton and nothing new to offer, Musharraf did not expect much.

After the nuclear tests, U.S. non-proliferation policy towards Pakistan transformed into a counter-proliferation policy and with a new Republican administration in 2001, Pakistan hoped for the best. With the events that followed after 9/11, an all too familiar history repeated itself whereby President George W. Bush relieved Pakistan of all sanctions to enlist him to fight yet another war.

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CHAPTER 6

CONCLUSION – THE U.S. NON-PROLIFERATION POLICY TOWARDS PAKISTAN FROM 1974-2001

Forced by its massive conventional arms inferiority with India and the Indian head-start in the nuclear weapons program, Pakistan decided to establish strategic parity with India by obtaining nuclear weapons of its own. Pakistan's quest for nuclear weapons affected its relationship with the United States since Pakistan was challenging the global non-proliferation norms championed by the U.S. The non-proliferation sanctions were invoked against Pakistan for the first time in April 1979 under the Symington amendment and the second time in October 1990 under the Pressler amendment. The third time Pakistan was not alone – India and Pakistan were both sanctioned for testing their nuclear weapons in May 1998.

A systematic historical examination of the U.S. non-proliferation policy towards Pakistan from 1974 to 2001 using archival records from U.S presidential and congressional archives in the previous chapters reveals a peculiar pattern of U.S. non-proliferation policy towards Pakistan. It appears that although the non-proliferation policy by each administration (Ford, Carter, Reagan, Bush and Clinton) was designed to create an imbalance in favor of Pakistan

not going nuclear yet ended up with achieving just the opposite. There were two main actors within each administration, the Congress and the Executive, who based their non-proliferation decisions towards Pakistan on the reports provided by the intelligence agencies on Pakistan's nuclear ambitions and development. Within each administration, the Congress exhibited its apprehensions about Pakistan's nuclear proliferation yet we see that it preferred giving aid to Pakistan with non-proliferation conditions attached. The Executive on the other hand, valued the security relationship with Pakistan and preferred giving aid with little to no non-proliferation conditions attached. The waivers cleverly enshrined in the U.S. non-proliferation legislation (as shown in Table 6.1) enabled the Executive to turn a blind eye to Pakistan's nuclear ambitions and development during the periods Pakistan helped the U.S. achieve its objectives in the region. Pakistan benefitted from the disconnect that resulted from this fortuitous good cop, bad cop routine played by the Congress and the Executive.

The evidence presented in the preceding chapters shows how Pakistan's leadership from Zulfiqar Ali Bhutto to Nawaz Sharif remained determined in their pursuit of nuclear weapons and used the available leverage to gain maximum benefit from its security relationship with the United States. Pakistan's nuclear weapons development began under Z.A. Bhutto and it was he who managed to confound the Ford administration to focus on the Franco-Pak plutonium reprocessing deal so that Pakistan's covert uranium enrichment program could progress unhindered beyond international scrutiny.

Table 6.1: U.S. Nuclear Related Legislation to FAA of 1961 and Waivers for Pakistan

Amendments	Aid Cut-off Conditions	Waivers
Symington Amendment Sec. 669, 1976	Bars aid to non-nuclear weapons states exporting or importing unsafeguarded uranium enrichment technology	Pakistan-specific waiver added in 1981-Sec 620 E (d) Original waiver for 6 years; Renewed in 1987 for 2.5 years; Renewed in 1990 for one year until April 1, 1991
Glenn Amendment Sec. 670,1977	Bars aid to countries exporting or importing unsafeguarded reprocessing technology 1977 ban (Sec 670) bars aid to non-nuclear weapons states that receive, detonate, or transfer a nuclear explosive device	Included 'Common defense and security' waiver waived by Presidential action in 1982
Solarz Amendment Sec 670, 1985	Bars aid to non-nuclear weapons states that illegally export (or attempt to export) nuclear materials, equipment, or technology from the US for the manufacture of a nuclear explosive device	Included 'Common defense and security' waiver which was determined and simultaneously waived for Pakistan in 1988
Pressler Amendment Sec 620 E (e), 1985	Pakistan-specific legislation to bar aid to Pakistan if the president fails to certify annually that Pakistan does not possess nuclear device and U.S. aid reduces the risk of Pakistan possessing a device	No waiver was included/ Annual certifications made in 1985, 1986 and 1987

While Pakistan was on its path to uranium enrichment and sanctioned for its unsafeguarded uranium enrichment facility in Kahuta under the Symington amendment, the Soviet invasion of Afghanistan in 1979 came as a blessing in disguise for Pakistan. General Zia-ul-Haq dexterously exploited U.S. dependency on Pakistan to achieve its Cold War objectives towards the Soviets and pressed on with nuclear weapons development cognizant of the costs involved. Pakistan weathered the Pressler sanctions with all its consequences at the end of the Cold War. Benazir Bhutto and later Nawaz Sharif refused to compromise on the nuclear weapons program even after its existence became public knowledge. One leader after the other from 1972 to until Pakistan tested in 1998 believed that Pakistan needed strategic parity with India and worked towards achieving nuclear weapons capability.

The theft, the lies, the deception, the duplicity and manipulation that Pakistan is faulted for by the West – all of it – was *Machiavellian,* essentially needed to achieve its national security interests. This is the narrative supported by history as presented in this book. Pakistan needs to own it and shun the apologies.

The Non-proliferation Trade-offs from Ford to Clinton

Ford Administration (1974-1977)

The U.S. nuclear non-proliferation policy towards Pakistan that developed during the Ford administration was overshadowed by the Indian nuclear test in 1974. Pakistan's security dilemma vis-à-vis India was all too apparent to the administration given the history of Indo-Pak enmity. Bhutto effectively used the threat of nuclear India to convince the Ford administration into lifting the

decade old arms embargo in 1975 to the disappointment of both the U.S. Congress and the Indians. But Bhutto's nuclear ambitions and plans to expand Pakistan's nuclear program as a consequence of the Indian test increased congressional concerns about proliferation in and beyond South Asia. Pakistan's $1 billion agreement with France for construction of a nuclear reprocessing agreement and acquisition of heavy water plant with West Germany came under scrutiny by the administration and the Congress but the pressure resulted in a stalemate.

The Symington Amendment passed on June 30, 1976 required importing and exporting countries to comply with the IAEA safeguards for nuclear materials, enrichment and reprocessing facilities and legislated for the suspension of U.S. economic and military assistance for those found in violation of the law. To Pakistan's good luck, the Franco-Pak reprocessing plant agreement was sealed with a tripartite safeguards agreement with the IAEA and Pakistan knew it could not be sanctioned for it. Therefore, there was hardly any discussion on the 'threat' of sanctions under the Symington law in Pakistani press during 1976. The two and a half years of the Ford administration were filled with challenges due to Pakistan's efforts to acquire its own nuclear weapons capability and its attempts to conceal the real motive from the United States. The Ford-Kissinger duo underestimated Bhutto's nuclear resolve to nuclearize Pakistan and made unsuccessful attempts to convince him to join an Iran-based multinational reprocessing plant arrangement. Kissinger's nuclear diplomacy to convince Pakistan and France to cancel the agreement was ineffective until the end of the administration's term mainly due to the administration's dichotomous policy to continue nuclear

cooperation with India, which was again used effectively by Bhutto to develop the argument for continued nuclear cooperation with France.

Bhutto managed to keep Pakistan's uranium enrichment project under wraps from 1974 to 1976 by keeping the Ford administration busy in focusing on his plutonium reprocessing attempts.

Carter Administration (1977-1981)

Pakistan remained on Carter's foreign policy radar from 1977 to 1981. Bhutto and Zia continued to provide nuclear non-proliferation assurances to Carter while progress continued on Pakistan's nuclear weapons program. Cancellation of the A-7 aircraft and the suspension of developmental aid for Pakistan set the tone for Pakistan-U.S. relationship in the first year of the Carter administration.

The Glenn amendment passed by the U.S. Congress in August 1977 did not selectively target Pakistan. As per the amendment, the call for aid-cut off was to deter countries from conducting nuclear explosions or pursuing reprocessing programs. It was a general approach to control the spread of nuclear weapons and was not directed at any specific country. The Glenn amendment would have triggered automatically against Pakistan if the French had not cancelled the sale of reprocessing plant agreement with Pakistan in 1978.

The non-proliferation trade-offs made by the Carter administration, though not desired by it, were dictated by the U.S.' Cold War politics. In the wake of the Soviet invasion of

Afghanistan, Pakistan was relieved from the Symington sanctions – imposed on Pakistan in April 1979 after Kahuta uranium enrichment facility was discovered – allowing Zia to negotiate a military and economic assistance package from Carter from a stronger bargaining position.

The Carter administration followed two different sets of non-proliferation policies towards India and Pakistan, which challenged Carter's non-proliferation credibility. Even though the issue of nuclear shipments to Tarapur nuclear power plant in India ended up straining Indo-U.S. relations, the fact that Carter kept the issue alive during his presidency despite Indian transgressions on accepting full scope safeguards and retaining the nuclear testing option, exposed the 'flexibility' of Carter's non-proliferation policy. Carter offered Zia $400m aid package in 1980 with no non-proliferation conditions attached but Zia refused it. With the newly elected Reagan administration, Zia managed to secure a substantial economic and military assistance package in addition to a presidential waiver, sanctioned by the Congress, for lifting the sanctions.

Reagan Administrations (1981-1989)

Pakistan benefited the most from the blind eye during its strategic engagement with the United States under two Reagan administrations. While this eight-year long engagement resulted in the Soviet withdrawal from Afghanistan and the subsequent breakup of the Soviet Union bringing an end to the Cold War, Pakistan as a threshold nuclear state emerged as the clear winner.

The Pressler amendment was a blessing in disguise for Pakistan

allowing Reagan to certify that Pakistan did not *possess* nuclear explosive device and that the U.S. aid was helping in moving Pakistan away from a weapons option. None of that was of course true as the historical evidence examined in Chapter 3 reveals. In the absence of this certification option, Reagan's hands would have been tied and it would have been impossible for him to ignore Pakistan's nuclear weapons development given the evidence that was already available on the progress of Pakistan's uranium enrichment program by the early 1980s. This was an easier certification as opposed to the certification required by a non-proliferation bill proposed by Senator John Glenn – which was shot down by Congress – requiring the president to certify that Pakistan neither *possessed* nor was *developing* a nuclear weapon as a condition for continuing economic and military assistance to Pakistan.

The administration held its ground and Reagan certified thrice based on the GOP's assurances that Pakistan was pursuing a peaceful nuclear program. Even in the face of overwhelming evidence of Pakistan's breach of its nuclear assurances (when two Pakistani citizens were arrested in 1987 attempting to smuggle components of nuclear technology from within the United States), Reagan certified and waived the provisions of the Solarz amendment that called for aid cutoff for Pakistan to continue the economic and military assistance program.

H.W Bush Administration (1989-1993)

The Bush administration continued Reagan's non-proliferation policy towards Pakistan and provided certification on Pakistan's non-possession of nuclear weapons in 1989. But Pakistan's nuclear

program and its continued progress towards a nuclear weapons capability came to focus in 1990 after the Indo-Pak crisis over Kashmir. U.S. intelligence on Pakistan's nuclear program made it difficult for President Bush to issue the presidential certification on Pakistan's nuclear program which triggered the Pressler amendment. Pressler sanctions on Pakistan from October 1990 onwards strained Pak-U.S. relations. Although Pakistan suffered the loss of $600 million worth of economic aid and military sales due to Pressler sanctions, the outstanding issue remained the delivery of 28 F-16s under the PG III and IV agreements with an additional agreement of 60 more F-16s that Pakistan had signed with the U.S. in 1988 and 1989. Pakistan had to continue to make payments for the withheld F-16s albeit with a hope that the sanctions would be removed sooner than later.

The non-proliferation lobby in the Congress had made it difficult for the administration to accommodate Pakistan's economic and military needs until the GOP rolled back its nuclear program. And even though the GOP showed continued progress towards a nuclear weapons capability to the extent of issuing public statements about possessing such capability since 1989, the Bush administration found ways to cautiously facilitate Pakistan. From October 1990 until March 1992, the administration allowed $100 million worth of private commercial sales to Pakistan for defense articles and spare parts of F-16s that were in PAF's inventory. The administration maintained that in doing so it did not violate the Pressler law and that its intention was not to isolate Pakistan after the sanctions but to continue to engage the GOP on issues of regional stability.

The administration did achieve its limited objectives after the Pressler sanctions and Pakistan-U.S. relations did not deteriorate as they had when Carter invoked the Symington amendment in 1979. Pakistan joined the U.S.-led coalition to send its forces to Saudi Arabia during the First Gulf War, again with the hopes that by doing so the administration might have a change of heart over Pressler. But given the now-open status of Pakistan's nuclear weapons program, its capability and its acquisition of nuclear-capable missiles, it was hard for the Bush administration to look the other way. Given their timing, Pressler sanctions were viewed in the light of the U.S. disengagement with Pakistan after the Soviet withdrawal from Afghanistan. As bitter as it got though during the Bush administration, Pak-U.S. relationship, however, was far from over.

Clinton Administrations (1993-2001)

To Pakistan's surprise, the Clinton administration subordinated its non-proliferation policy to achieve broader foreign policy objectives that were determined by the post-Cold War dynamics in which the U.S. had emerged as the sole superpower. The administration undermined its non-proliferation policy by ignoring the missile and nuclear technology transfers between Pakistan and China and missile and nuclear trade between Pakistan and North Korea. The administration's decision not to impose sanctions against China and Pakistan for the sale of ring magnets, as discussed in the last chapter, conveyed Pakistan the message that it was more interested in maintaining economic cooperation with China than holding it to tough non-proliferation standards. The administration also failed to bring Pakistan and India into the fold of the non-proliferation regime, the CTBT and the NPT,

despite exhibiting successful leadership on achieving the indefinite extension of the NPT in 1995. But while these were documented in history as Clinton's non-proliferation policy failures, its actions did not fail Pakistan.

Pakistan was on the receiving end of the U.S. assistance after Congress passed the Brown amendment in 1995. It authorized the President to release $368 million worth of sophisticated weapons to Pakistan that the latter had paid for and were withheld due to the Pressler sanctions. Not only that, the Brown amendment was passed despite considerable evidence of Pakistan's engagement in nuclear and ballistic missile proliferation activities. Even though the Pressler sanctions remained intact after the passage of the Brown amendment, release of sophisticated defense equipment was a significant triumph for Pakistan. In 1996, Pakistan bounced back and resisted pressure from the administration stating its refusal to sign the CTBT or any other non-proliferation arrangements unilaterally unless India was also on board. India conducted its nuclear tests in May 1998. Immediately after the Indian nuclear tests, the administration attempted to pressure India to sign the CTBT as an incentive to stop Pakistan from conducting nuclear tests of its own but the attempts were unsuccessful. The Clinton administration placed sanctions on India and Pakistan after their nuclear tests in 1998. But only after a month of their testing, economic sanctions were removed from both countries to resume agricultural activity and a year after their testing, further economic relief was provided to both countries.

One issue, however, remained outstanding throughout Clinton's eight years in office – continuation of the Pressler sanctions.

Due to Pakistan's lobbying efforts and the threat of a lawsuit, the administration decided to cut its losses and in December 1998, returned Pakistan an IOU worth $470 million in cash and for the remainder amount promised to deliver $140 million worth of wheat and other commodities on grant basis over two years. The money was supposedly reimbursement of Pakistan's 28 F-16 jets stored in Arizona desert for which Pakistan had paid $658 million in addition to the storage costs for the planes. The New Zealand government decided to buy Pakistani F-16s by the U.S. on a ten-year lease-purchase deal. However, for Pakistan the issue of the F-16s still remains unresolved and an open wound.

The incoming George W. Bush administration came with new policies. Non-proliferation was replaced with counter-proliferation but only temporarily. On September 11, 2001, attacks on the World Trade Center in New York changed the Bush administration's national security priorities bringing, once again, war to Pakistan's border with Afghanistan. Pakistan became a front line state, this time offering its airspace and ground lines for transportation of U.S. troops and supplies into Afghanistan in America's war on terrorism. In order to enlist Pakistan's support, President Bush exercised his authority under Title IX (P.L. 106-79) and removed all sanctions on Pakistan (Symington, Pressler and Glenn) to resume economic and military assistance in 2001. Only the military coup sanctions under Section 508 of the FAA remained intact.

Twenty years after their anti-Soviet partnership in 2001, Pakistan and the United States stood together in familiar territory to negotiate yet again the terms of their reengagement for a war, one that has lasted, this time, for seventeen years and counting.

APPENDIX

U.S. Non-Proliferation Policy Towards Pakistan From Ford to Clinton (1974-2001)

Administrations	Compromises/Tradeoffs	Pakistan's Nuclear Development
Ford 1974-1977	Resumption of U.S. arms sales to Pakistan linked to Pakistan's assurances for peaceful nuclear program	• Pak provided assurances on not developing nuclear weapons • Efforts to start plutonium reprocessing • Efforts to start uranium enrichment program
Carter 1977-1981	• Symington amendment enacted • Glenn amendment enacted • Invoked Symington sanctions • Sought assurances for peaceful nuclear program • Pressured France to cancel plutonium reprocessing agreement with Pak • Lifted Symington sanctions after Soviet invasion of Afghanistan	• Pak initially provided assurances on not developing nuclear weapons • Started uranium enrichment program • Condemned Symington sanctions and planted PNE gossip • Condemned French cancellation of processing plant deal and continued its plutonium reprocessing program • Rejected Carter's aid offer after Soviet invasion of Afghanistan and refused to provide assurances on Pakistan's nuclear intentions • Continued nuclear weapons development
Reagan 1981-1989	• Renewed aid offer without explicit non-proliferation conditions • Pressler amendment enacted • Solarz amendment enacted • Certified before Congress that Pakistan does not possess nuclear weapons • Directed Pakistan not to enrich uranium above 5% • Invoked and simultaneously waived Solarz amendment to continue providing economic and military assistance to Pakistan	• Assured not to enrich uranium above 5% • Received nuclear weapons designs from China • Conducted its first cold test • Clandestinely continued procurement activities for its nuclear weapons program from the U.S. and Europe • Denied involvement in illegal procurement activities inside the U.S. after Pakistani nationals were caught • Continued to provide assurances on not developing nuclear weapons • Continued nuclear weapons development
H.W. Bush 1989-1993	• Suspicions about Pakistan's enrichment activities • Refused to certify that Pakistan did not possess nuclear weapons • Stopped certification and Invoked Pressler amendment in 1990	• Condemned the Pressler sanctions • Continued nuclear weapons development • Engaged in missile technology transfer with China • Condemned the withheld shipment of F-16s and defense equipment post-Pressler sanctions that Pakistan had paid in full for

Clinton 1993-2001	• Nuclear Proliferation Prevention Act 1994 (NPPA) • Brown Amendment passed to modify the Pressler amendment- no non-proliferation conditions attached • Ignored Pak-China missiles cooperation • Ignored Pak-China nuclear cooperation • Ignored Pak-North Korea missile trade • Ignored intelligence about Pakistan's nuclear technology procurement • Released the held-up defense equipment for Pakistan • Agreed to return Pakistan's money for the stored F-16s/ settled the F-16s issue • Harkin-Warner amendment passed to resume economic assistance • Sanctions after 1998 nuclear tests under NPPA • Brownback I and II amendment to lift the NPPA sanctions – resumed economic assistance	• Continued nuclear weapons development • Continued to engage in missile and nuclear technology transfer with China • Engaged in missile trade with North Korea • Refused to unilaterally sign the CTBT • Lobbied to get the F-16s and defense equipment back • Nuclear technology procurement continued through international black-market • Conducted nuclear tests in response to Indian nuclear tests on May 28 and 30, 1998 • Became the seventh nuclear weapons state • Refused to unilaterally sign the CTBT or negotiate a FMCT

Index

A

A-7 41, 42, 44, 54, 74, 76, 78, 95, 96, 97, 114, 115, 331
Agha Shahi 86, 127, 131, 137, 138, 139, 144, 166, 168, 176, 178, 206, 226
ALR-69 180, 181, 182, 183, 184, 185, 186, 187, 188, 227, 228, 286
Amendment 7, 8, 9, 10, 6, 7, 21, 22, 32, 61, 71, 76, 77, 78, 98, 116, 122, 130, 132, 141, 143, 158, 198, 199, 205, 211, 230, 260, 262, 263, 269, 275, 277, 281, 283, 285, 288, 295, 296, 298, 300, 301, 317, 320, 328, 330, 340
A.Q. Khan 23, 48, 89, 90, 131, 132, 194, 195, 198, 207, 213, 229, 291, 293, 324

B

Benazir Bhutto 236, 238, 239, 240, 242, 243, 246, 248, 249, 250, 256, 271, 272, 273, 274, 275, 277, 279, 280, 283, 288, 289, 291, 293, 299, 319, 329
Brown Amendment 9, 275, 285, 288, 295, 296, 298, 320, 340
Brzezinski 100, 103, 104, 106, 109, 122, 134, 135, 141, 143, 145, 146, 154, 155, 157, 158, 160, 161, 162
Bush 9, 13, 2, 7, 8, 13, 15, 17, 18, 19, 84, 183, 225, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257, 258, 259, 260, 262, 264, 265, 266, 267, 268, 271, 274, 290, 292, 318, 326, 333, 334, 335, 337, 339

C

Carter 7, 13, 2, 6, 13, 15, 17, 18, 55, 80, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 124, 126, 128, 129, 130, 132, 133, 134, 136, 138, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 160, 161, 162, 165, 270, 326, 331, 332, 335, 338
Centrifuges 49, 130, 131, 210, 293
Certifications 7, 172, 199, 202, 204, 236, 241, 256, 328
CIRUS 4, 5, 30, 33, 79
Clinton 2, 9, 10, 13, 2, 8, 13, 15, 16, 17, 19, 270, 271, 272, 273, 274, 275, 276, 278, 280, 282, 283, 284, 286, 288, 289, 290, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 304, 305, 306, 308, 309, 310, 311, 312, 313, 314, 315, 316,

318, 319, 320, 321, 322, 324, 325, 326, 329, 335, 336, 338, 340
Congress 6, 15, 18, 21, 22, 23, 30, 32, 36, 39, 52, 61, 65, 66, 67, 70, 73, 92, 93, 98, 105, 124, 135, 140, 145, 150, 154, 163, 166, 167, 169, 170, 171, 173, 174, 182, 184, 186, 187, 196, 198, 200, 203, 204, 205, 207, 211, 214, 215, 216, 217, 219, 220, 226, 230, 232, 235, 237, 240, 250, 254, 255, 256, 260, 263, 265, 278, 279, 280, 281, 283, 284, 288, 289, 294, 302, 304, 305, 317, 318, 319, 322, 324, 327, 330, 331, 332, 333, 334, 336, 339

E

Eating Grass 10, 24, 28, 33, 82, 84, 85, 88, 89, 131, 159, 160, 214, 229, 240, 244, 269, 291, 297, 321, 322

F

F-16 8, 22, 133, 144, 173, 175, 177, 180, 181, 182, 187, 188, 190, 191, 192, 226, 227, 228, 240, 241, 243, 257, 275, 279, 281, 285, 286, 319, 337
FAA 4, 21, 122, 169, 170, 173, 199, 205, 278, 317, 328, 337
FMS 4, 143, 146, 181, 187, 193, 219, 226, 229, 243, 258, 263, 275, 276, 296, 320
Ford 2, 7, 10, 13, 2, 13, 15, 16, 17, 19, 21, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 66, 67, 68, 69, 70, 72, 74, 76, 78, 80, 82, 84, 86, 87, 88, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 102, 104, 107, 112, 114, 116, 126, 153, 154, 326, 327, 329, 330, 331, 338

G

Glenn 8, 9, 13, 2, 8, 17, 18, 21, 92, 98, 122, 123, 124, 125, 126, 128, 129, 131, 158, 159, 163, 169, 170, 198, 199, 206, 210, 211, 226, 230, 232, 241, 254, 255, 256, 262, 264, 266, 267, 268, 273, 278, 282, 283, 294, 295, 296, 298, 304, 305, 306, 310, 317, 318, 319, 320, 321, 323, 324, 328, 331, 333, 337, 338

H

Harkin-Warner 9, 19, 300, 303, 304, 340
Heavy water 5, 30, 33, 44, 46, 49, 50, 51, 60, 79, 151, 330

I

International Nuclear Fuel Cycle Evaluation Program 103, 126

K

Kissinger 3, 20, 30, 33, 34, 35, 36, 37, 38, 39, 41, 42, 44, 50, 52, 53, 54, 57, 58, 59, 60, 61, 62, 64, 67, 68, 74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 97, 98, 100, 102, 112, 115, 155, 156, 330

L

Legislation 2, 15, 17, 32, 61, 71, 73, 75, 80, 98, 123, 124, 126, 131, 136, 146, 204, 205, 207, 237, 283, 287, 289, 303, 312, 327, 328

N

National Security Adviser 5, 86, 87, 88, 90, 91, 100, 289
Nawaz Sharif 237, 256, 259, 271, 272, 273, 274, 300, 301, 303, 305, 307, 308, 309, 312, 316, 317, 327, 329
NNPA 5, 8, 148, 149, 150, 151
Non-proliferation 2, 3, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 31, 32, 36, 38, 39, 40, 43, 51, 55, 57, 61, 64, 65, 67, 68, 70, 73, 74, 78, 80, 86, 92, 96, 98, 100, 101, 102, 103, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 123, 124, 126, 131, 132, 133, 135, 136, 137, 138, 139, 141, 143, 146, 147, 148, 150, 151, 152, 167, 169, 171, 196, 200, 201, 207, 210, 211, 213, 216, 225, 235, 241, 242, 250, 252, 253, 255, 262, 265, 270, 271, 273, 274, 277, 278, 279, 281, 282, 283, 285, 291, 293, 294, 295, 300, 302, 303, 306, 310, 318, 326, 327, 329, 331, 332, 333, 334, 335, 336, 339, 340
Nuclear weapons 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 28, 31, 32, 33, 34, 40, 45, 46, 47, 56, 57, 58, 61, 64, 65, 66, 70, 72, 74, 82, 85, 89, 94, 99, 101, 103, 104, 105, 108, 125, 130, 131, 136, 138, 141, 148, 149, 151, 154, 171, 172, 173, 194, 195, 196, 197, 198, 200, 205, 206, 207, 210, 211, 213, 215, 217, 219, 231, 235, 236, 237, 238, 240, 241, 242, 246, 247, 248, 249, 250, 251, 253, 254, 256, 261, 265, 271, 273, 274, 275, 279, 282, 295, 297, 302, 304, 305, 306, 309, 310, 326, 327, 328, 329, 330, 331, 333, 334, 335, 338, 339, 340

P

Pakistan-U.S. Security Relationship 8, 198
Plutonium 5, 6, 17, 21, 30, 33, 43, 44, 48, 49, 62, 64, 68, 77, 79, 85, 89, 97, 98, 99, 102, 103, 104, 105, 106, 109, 126, 128, 129, 154, 327, 331, 338

R

Reagan 8, 9, 13, 2, 7, 13, 15, 17, 18, 21, 152, 165, 166, 167, 168, 170, 172, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 186, 187, 188, 190, 191, 192, 194, 196, 198, 200, 202, 204, 205, 206, 208, 209, 210, 212, 213, 214, 216, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 241, 274, 326, 332, 333, 339
Reprocessing 6, 17, 18, 21, 32, 33, 43, 44, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 64, 68, 69, 71, 72, 73, 74, 75, 76, 78, 80, 85, 94, 97, 98, 99, 102, 104, 105, 106, 107, 108, 109, 110, 112, 114, 115, 116, 117, 121, 122, 123, 124, 125, 126, 127, 128, 129, 131, 135, 136, 148, 154, 157, 159, 197, 206, 209, 327, 328, 330, 331, 338

S

Sanctions 9, 10, 244, 249, 257, 261, 286, 304, 317, 321, 340
Security Assistance 71, 93, 104, 122, 158, 191, 229, 231, 233
Senate 6, 7, 65, 67, 70, 72, 79, 92, 93, 124, 158, 163, 169, 171, 173, 179, 198, 199, 210, 211, 212, 217, 230, 231, 232, 236, 253, 255, 261, 266, 267, 268, 277, 284, 287, 295, 309, 312, 320, 321, 323
Solarz 8, 13, 2, 17, 18, 167, 169, 174, 205, 209, 210, 211, 215, 216, 217, 219, 254, 328, 333, 339
Symington 7, 8, 9, 13, 2, 6, 7, 17, 18, 21, 32, 61, 70, 71, 74, 76, 77, 78, 80, 93, 98, 99, 112, 116, 122, 123, 124, 126, 130, 131, 132, 133, 136, 138, 140, 141, 143, 146, 147, 151, 158, 165, 167, 169, 171, 174, 179, 214, 215, 219, 273, 294, 296, 297, 304, 317, 326, 328, 329, 330, 332, 335, 337, 338

U

Uranium Enrichment 6, 21, 48, 49, 68, 71, 98, 99, 123, 129, 131, 133, 191, 194, 195, 210, 235, 240, 250, 251, 252, 274, 291, 293, 296, 327, 328, 329, 331, 332, 333, 338

W

Waiver 21, 73, 124, 136, 141, 146, 147, 168, 169, 171, 174, 179, 211, 214, 215, 219, 256, 312, 317, 328, 332

Z

Zia 7, 4, 18, 48, 99, 100, 120, 121, 122, 126, 127, 128, 129, 133, 134, 135, 138, 139, 141, 142, 144, 145, 146, 147, 152, 158, 160, 161, 162, 165, 166, 167, 171, 172, 173, 177, 178, 180, 181, 182, 183, 184, 186, 193, 195, 197, 198, 205, 209, 212, 214, 219, 220, 221, 222, 223, 225, 226, 227, 228, 232, 233, 235, 236, 240, 329, 331, 332

Known as the torch-bearer of arms control and non-proliferation, the United States is largely believed to be the global leader of the non-proliferation regime. To that effect, non-proliferation has remained high on its foreign policy agenda. Notwithstanding the above, the non-proliferation regime is under threat today, something that merits a question: Has the U.S. been seriously committed to ensuring non-proliferation or has it made compromises pursuant to other strategic objectives along the way while maintaining a façade?

The Blind Eye is a scholarly endeavor to answer the above question. Using declassified documents from U.S archives, this book discusses U.S. non-proliferation policy towards Pakistan from Ford to Clinton. Bringing new knowledge to the fore, this book argues that the U.S., contrary to its claims, made trade-offs between non-proliferation and other foreign policy goals viz Pakistan. Consequently, the non-proliferation policy that the U.S. developed during the five administrations from 1974 to 2001 demonstrates Washington's lack of commitment to its non-proliferation enforcement agenda towards Islamabad, as it found reasons to utilize Pakistani support in Afghanistan during 1980s. Pakistan, a country that was determined to achieve strategic parity with India to augment its security, took advantage of the Blind Eye and navigated its way towards attaining a deterrent of its own. The hitherto unknown and undocumented research-laden work provides a glimpse into the efforts made by Pakistan's leadership to eke out maximum concessions from the U.S. without compromising on its own national interests.

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